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# ON HEGEL'S *PHILOSOPHY OF RIGHT*

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The 1934–35  
Seminar and  
Interpretive  
Essays

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**Martin Heidegger**

translated by  
Andrew J. Mitchell

POLITICAL THEORY AND CONTEMPORARY PHILOSOPHY  
series editor Michael Marder

B L O O M S B U R Y

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Martin Heidegger

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Marcia Sá Cavalcante Schuback, and  
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# Contents

<b>Part One Understanding Heidegger's 1934–35 Seminar on Hegel's</b>	
<b><i>Philosophy of Right</i></b>	<b>1</b>
1 Heidegger, Hegel, and the Political <i>Peter Trawny</i>	3
2 Hegel in 1933 <i>Susanna Lindberg</i>	19
3 The Question of Political Existence: Hegel, Heidegger, Schmitt <i>Michael Marder</i>	37
4 Politics and Ontological Difference in Heidegger <i>Alexandre Franco de Sá</i>	49
5 Self-Assertion as Founding <i>Richard Polt</i>	67
6 Philosophy without Right? Some Notes on Heidegger's Notes for the 1934/35 "Hegel Seminar" <i>Marcia Sá Cavalcante Schuback and Michael Marder</i>	83
<b>Part Two Martin Heidegger: Hegel's <i>Philosophy of Right</i>, Winter Semester, 1934–35</b>	<b>95</b>
Translator's Preface <i>Andrew Mitchell</i>	97
I Hegel – State	101
1 Civil Society. §182, Addition	
2 "Civil Society"	
3 The Ethical	
4 Freedom and Its Actuality	
{5 Freedom – Masterliness}	
6 State as Will	
{7 Universal will}	
8 "Organism"	
9 Disposition (political)	
10 "Appearance" (Hegel)	
11 Idea (Hegel).	
12 World History	
13 Freedom (Hegel)	

14	Ethics (Hegel)	
15	“Ideality” – Idea – Ideal	
16	Negation of Negation as Absolute Affirmation	
17	State as Organism	
18	“Organic”	
19	State and Science	
20	Clarificatory Review	
21	First Loosening Up of the Question	
22	The Question Concerning the State	
23	Question concerning the State a (cf. b)	
24	Question concerning the State b	
25	For the Protocol	
26	State	
27	Education and Work in Hegel and in the 19th Century	
28	State and Upbringing (Discipline), (“Education”)	
{II	Separation of Powers and Constitution: Constitution of the National-Socialist State}	109
29	Separation of Powers [ <i>Gewaltenteilung</i> ] by Hegel	
30	The Three Powers	
31	Separation of Powers and Origin of Force [ <i>Gewalt</i> ]	
32	Legislative Power	
33	The Question Concerning the Powers and Separation of Powers	
34	Separation of Powers [ <i>Gewaltenteilung</i> ]	
35	“Force” [ <i>Gewalt</i> ] – in the Misinterpretation of “Violence” [ <i>Gewalttätigkeit</i> ]	
36	The Unification of Powers in the Dasein of the Leader [ <i>Führers</i> ]	
37	People and Mastery	
38	The Modern Tripartite Separation of Powers	
39	“Authority” and Mastery and Power	
40	Separation of Powers and “Totality”	
41	Constitution of the National-Socialist State	
{III	Civil Society and State}	114
42	§257 ff.	
43	General Remarks for the Interpretation of §§260–271	

44	Family and Civil Society in the State	
45	Hegel's Concept of "Civil Society"	
46	Civil Society and State	
47	Unity – Identity	
48	Appearance and Being	
49	Configuration of the State and Concept of the State	
50	Thinking of the State and "The Political"	
51	State – <i>stato</i>	
52	<i>status</i>	
53	"State" – <i>status</i> – Stance –	
54	State for Hegel	
55	The International State	
56	"State"	
57	Hegel and the National-Socialist State	
{58	The Historical World}	
IV	Abstract Right and Morality	121
59	Conscience	
60	State and Conscience	
61	Disposition	
62	The Right of the "Subject"	
63	Duty	
64	Morality. Kant	
65	Right = Duty (empty)	
66	Morality and Ethical Life	
67	Person	
68	Abstract Right (Civil Law [ <i>Privatrecht</i> ])	
69	Morality – Subjectivity	
{V	Hegel's Systematization State – Spirit – People}	125
70	Our Plan	
71	Hegel – On the State. The Systematic Location	
72	System – In Terms of Content	
73	Metaphysical Sense of Right. Hegel	
74	Spirit and State	
75	State – In the "Philosophy of Right"	
{76	State and Freedom}	
77	Further Approach	

78	Hegel – Concept of the State –
79	State
80	State –
81	State
82	On the State. Hegel
83	Where and Who and What and How Is “the” State?
84	How Dialectical Philosophizing About the State, for Example, Cannot and Must Not Proceed
85	Dialectical Thinking – Conceives and Is Being Itself
86	Dialectic as (Absolute) System. System: To What Extent “Completion” in the Authentic Sense?
87	Hegel’s Systematization and its Development
{88	Hegel’s Systematization}
89	Hegel’s – Systematization
90	The Authentically Actual –
91	Essential Knowing
92	Scope of the Dialectic
93	“The Infinitude”
94	The In and For Itself
95	Beyng and Concept – Idea
96	Not – Negation – Sublation
97	Ιδέα and Image
98	The “Not”
99	Of No Use
100	First Hour
101	Do We Need This?
{102	State and People}
103	What Can I Use From That?
104	Erroneous Doctrine
105	The Appearance – The Idea
106	Who the Authentic “Nihilists” Are!
107	Dialectical Method
108	What Is and Where Is the State?
109	The Location of the State in the System of the <i>Encyclopedia</i>
110	Philosophy
111	The Apprentice in the Paper Shop. Knowledge
112	Hegel and Us →

VI	Exercises on Hegel – State	142
113	Exercises on Hegel – State	
114	State	
115	Hegel on the State	
116	Where Is the State?	
117	Spirit for Hegel	
118	Feeling and Right	
119	The Starting Point of the State	
120	Hegel	
121	Preparatory Exercise. Hegel. “Method”	
122	Hegel. State	
123	The Hegelian “Is”	
124	Hegel. On the “Is”	
125	Hegel. Exercise About the State	
126	{Erik} Wolf	
127	Deciding the Method	
{128	State – Movement}	
129	Sovereignty	
130	The People’s Disposition to the State	
131	State	
132	Hegel. On the State	
133	Law and Custom – Ethical Life	
134	Freedom	
135	Spirit and Independence – “I” – People	
136	Freedom “Is” Only in That It “Becomes”	
137	The Spiritual Actuality as Authentic	
138	Reason	
139	State and Force [ <i>Gewalt</i> ]	
VII	Freedom and Will in General	150
140	Freedom	
141	“Freedom of the Will”	
142	Will	
143	Will and Being a Self	
144	Will	
145	Will Is Work	
146	Will	



VIII	Right and State	155
147	Why Is There Right?	
148	Where Does Law Come From?	
149	Law – : Right – §210 ff.	
150	State and “Right”	
151	Jurisprudence [ <i>Rechtswissenschaft</i> ] and People’s Law [ <i>Volksrecht</i> ]	
152	Natural Law [ <i>Natur-recht</i> ]	
153	Right. Right of Resistance against Commands Contrary to Law [ <i>Rechtswidrige</i> ]	
154	§4 – Right and State	
155	Right	
156	Right – To Create	
157	Right cf. §30	
158	State as the Being of a People	
159	State	
{IX	Hegel’s Philosophy of Right}	160
160	Hegel. State and Spirit	
161	Ethics and Work	
162	State. Contract	
163	Hegel. State and Social Contract	
164	Art in the “Phenomenology” as “Religion.” Hegel	
165	Monarchy. Hegel	
166	Ethics – Morality – Legality. Hegel	
167	“Spirit.” Hegel	
168	Truth. Hegel	
169	Concept. Hegel	
170	Thinking and Basic Principles and Selfhood. Hegel	
171	“Feeling.” Hegel	
172	“World,” “Worldly Wisdom.” Hegel	
173	Finitude. Hegel	
174	Text   Alienating	
175	Text	
176	Interpretation §257 ff.	
177	§257	
178	Spirit – Freedom (Idealism of Freedom). Interpretation 1a	
179	The Human. Interpretation 1b	

180	Hegel. The Substantial	
181	The Substantiality of Ethical Life	
182	Hegel and Freedom	
183	"Liberalism"	
184	Dialectic	
185	Dialectic	
186	To Distinguish [ <i>Scheiden</i> ]	
187	The Tool	
188	The "Now" and the "Here" of the This	
189	I Are You	
190	The Jack-Ass	
191	The Same [ <i>Selbige</i> ] "Is" the Different – "Is" Equivalent [ <i>gleich</i> ]	
192	Sublating	
{193	The Rational and the Actual}	
194	Speculative Propositions	
195	The Rational	
196	Hegel's Philosophy as Completion –	
{197	Introduction and Example}	
198	Exercise	
199	Hegel, On the State	
200	Freedom	
201	Absolute Thinking. Hegel	
202	Dialectic as "Principle"	
203	How Should the Subsequent Exercises Proceed?	
X	Fundamentals for a Doctrine of the State	174
A	Care – State – Beyng	
204	"Idea." Hegel	
205	Hegel. State	
206	Care – Dasein – State – Being: State and People and Care	
207	The Metaphysical Basic Power of the Future State:	
	Cf. □ The Political	
208	Care and Death and Sacrifice and Knowledge	
209	The Political	
210	Care	
211	State and Principle of Leadership [ <i>Führerprinzip</i> ] and Work	

- 212 Care as Steadfastness. (Ex. Disposition, Action, Bearing)
- 213 Hegel, Religion, and State
- 214 Precedence of the State Over Religion
- 215 Hegel. Religion and State, Church and State
- 216 Hegel – The Universal and the Passions
- 217 §260 ff.
- 218 On the Interpretation of Hegel's *Philosophy of Right*. §257 ff.
- 219 Spirit
- 220 *Philosophy of Right* §258–271
  
- B Authority – Mastery – Power – Powers [*Gewalten*]  
 Their Metaphysics and Truth
  
- 221 Power and Ethics
- 222 Power and Leader
- 223 The Leader
- 224 Prince (Ruler) and Leader
- 225 Leading and Mastery
- 226 Leadership and Powers [*Gewalten*]
- 227 Powers. What Does “State-Supporting Power” [*Staatstragende Gewalt*] Mean?
  
- C The Political  
 Disposition – Constitution – (State)
  
- 228 The Political
- 229 Care and State
- 230 Polis and “The Political”
- 231 Πόλις
- 232 “The Political”
- 233 Determining the State in Terms of the Political
- 234 “The Political”
- 235 The Political
- 236 The Political
- 237 Hegel. The Political
- 238 “The Political” for Hegel
- 239 The Political?
- 240 “Political”
- 241 Organism –

242	The Political Person
243	“The Political”
244	“Disposition” {and “Education”}
245	Custom
246	§268
247	Constitution
248	Constitution
249	Power and Will
250	Force [ <i>Gewalt</i> ] and Spirit and Sovereignty
251	Right and Force [ <i>Gewalt</i> ]
252	Power and State
253	Governmental Power [ <i>Regierungsgewalt</i> ]
254	The Effectiveness of the State and the Powers [ <i>Gewalten</i> ]
255	State-Constitution
256	State as “Unification” of the Universal and Particular
257	People. Hegel
258	Hegel. The State
259	Idea of the State and Constitution
260	Historical Dasein of a People
261	The State as Original Unification of the Universal and Individual

<b>Appendices</b>	<b>201</b>
List of Contributors	203
German–English Glossary	205
English–German Glossary	211
Index	219

Part One

Understanding Heidegger's 1934–35  
Seminar on Hegel's *Philosophy  
of Right*

# Heidegger, Hegel, and the Political

Peter Trawny

## Introduction

Hegel's "guidelines to the lecture courses [...] about *Philosophy of Right*" is the only text from the canon of political philosophy taken by Heidegger as the basis of a seminar reading. It is, furthermore, the only text on political philosophy in general that was taken into consideration by Heidegger in the context of his work at all.<sup>1</sup> This sheds a special light on the manuscript of this seminar, which Heidegger gave "for beginners" (GA 86: 95) in the winter semester of 1934/35 at the University of Freiburg. If there is a Heideggerian interpretation of the "political"—and there is one within certain limits—then this seminar must be relevant.

The occasion for such a seminar appears to be quite clear. In 1933, Heidegger had his coming out as a National-Socialist. Thus, the seminar seems to be and has been interpreted as a kind of "key testimony" of this political position.<sup>2</sup> Nevertheless, in 1934 Heidegger abdicated his rectorate at this university, i.e. the institutional organization of this regime, if not this very regime itself. According to his own proclamation, already at that time he backed out of the official party line: "From April 1934 onwards, I lived outside of the university, insofar as I did not care any more for the 'procedures,' but attempted to fulfill only what was absolutely necessary in the mandatory teaching assignment in accordance with my energy" (GA 16: 389). In this respect, it is very remarkable that at the end of the same year Heidegger still taught a seminar with a clearly political orientation.

Emmanuel Faye spoke of an "identification"<sup>3</sup> of Heidegger with Hegel. There we have Hegel, the philosopher of the Borussian state, the absolute "king" not only of the Philosophy Department, but of the German University as such; here is Heidegger, the philosopher of the National-Socialist state, the thinker of the

German University in the Third Reich. But the facts and texts are more complex than that. They are, indeed, so complex that the different threads of Heidegger's projects at that time are not easy to disentangle. Because many factors determine Heidegger's philosophical field, I will first begin with a general representation of this entanglement. I will briefly mention the Hölderlin lecture in the winter of 1934/35, given in parallel to the seminar; the other lecture course from the summer of 1933, where Hegel plays an important role; and the importance of Schmitt and Jünger in this period.

After this general survey of the obscure situation between 1933 and 1934 I will isolate some thematic threads. The first will be a closer look at the contents and the course of the seminar itself. The second will be the emphasis on the concept of spirit. The third, then, will reconstruct Heidegger's discussion with Carl Schmitt about the true nature of "the political." In the last section I will draw out a certain line of Heidegger's understanding of the political.

## Heidegger's "Hegel" in the situation between 1933 and 1934

Parallel to the Hegel seminar of winter 1934, Heidegger lectured on an interpretation of Hölderlin's hymns "Germanien" and "Der Rhein." Poetry had already appeared as a later way to overcoming metaphysics. In the lecture course, Heidegger refers to the seminar. The "actuality of the spirit" "in history" is, for Hegel, "the state, and the state can only be what it must be if it is dominated and supported by the in-finite force of the infinite spirit" (GA 39: 133). Hegel is only able to think this way because his philosophy is "fueled" "by a new, productively repeating execution of Heraclitus's primary thoughts." At the same time, the "whole meanwhile expired history of the world-spirit is included in the 'flux' of this thought and is distinguished in its essential steps." These reflections have a clear purpose in view. Hegel himself emphasized that there is no phrase of Heraclitus, "which I did not integrate in my logic." The being-historical location of his thought is repeated in the seminar. It represents the "consummation of Western philosophy" (95). But Heraclitus's thought, which is also very present in the seminar on *Philosophy of Right*, belongs to the very beginning of this philosophy.

In the winter of 1934/35 Heidegger focused on the state. The mere fact that he lectured on the hymns of Hölderlin at the same time seems to confirm this decision. At the beginning of the lecture course, Heidegger speaks of "our

fatherland Germanien” and calls it “the most forbidden, withdrawn from the hastiness of everyday life and from the noise of business.” It is the “highest and therefore most difficult, the very last, because in fact primary – the silent origin” (4). Certainly, the fatherland is not the state (especially not for Hölderlin himself). The fatherland not only transcends the state but also has a different essence. Nevertheless, “the people” of this “fatherland,” as Heidegger stresses, need a “constitution” in a “state.” Thus, the lecture course on Hölderlin and the seminar on Hegel appear to be coordinated.

If there was no question of Heidegger continuing his program to renew the German university, as he stated it in his inaugural address, then this continuation could be interpreted in terms of the coordination of the Hölderlin lecture course and the Hegel seminar. But this possible understanding of Heidegger’s reading of Hegel’s *Philosophy of Right* is strongly refuted by the lecture course from summer 1933 on “The Basic Questions of Philosophy.” This is a surprising fact, because, as a matter of fact, the lecture course could serve to emphasize Heidegger’s engagement with National Socialism, along with certain declarations like this one from the beginning of the seminar: “The German people as a whole comes to itself, i.e. finds its leadership. In this leadership the people come to itself, creates its state” (GA 36/37: 3). From this statement, a transition to Hegel’s *Philosophy of Right* appears to be very easy, especially to the paragraphs concerning the state. But the lecture course takes a different turn. This interpretation of Heidegger’s reading of Hegel is obviously wrong.

After all, immediately after this pathetic declaration, Heidegger concedes that the “basic question of philosophy” can only be “decided from its beginning” (5). Heidegger lectures about “The Beginning of Occidental Philosophy” in summer 1932. In this lecture course, in the context of an interpretation of Parmenides and Anaximander, the distinction between the “first beginning” and a “beginning” for “the ones to come” (GA 35: 83), who could “perhaps again begin with this beginning,” is presented for the first time. Here, in contrast to the lecture course given in summer 1933, we do not find direct references to the political situation. But it is in this very lecture course that Heidegger picks up the thread by spinning it in the political direction: “The beginning is still and subsists as a distant disposal [*ferne Verfügung*], which so far anticipates our Western destiny and chains the German destiny to itself” (GA 36/37: 6). The beginning is politicized and related to the current historical situation. But, regardless of the sense in which we might understand the beginning, Hegel is not its philosopher. Thus, it is said in the lecture course that his thought is “the consummation of



Western philosophy if seen backwards." Considered "forwards, it is immediately and mediately the starting point for the antagonism" (15) of Kierkegaard and Nietzsche.

It follows that the "Basic Question of Philosophy" in the historical situation of "our spiritual people-related [*volklich*] destiny" (14) cannot be found in a simple adoption of Hegelian ideas, but in a "historical confrontation [*Auseinandersetzung*]" with these thoughts. In other words: if we have to deal here with a political-historical departure, we have to understand that Hegel is not its figure-head, but, rather, the consummation of the very tradition, which still defines the situation of this departure, and at the same time is no longer able to define it.

Having in mind the "consummation of the history of Western philosophy," in the lecture course of summer 1933 Heidegger emphasizes two "determining powers of Western metaphysics, especially of modern Western metaphysics" (69). He thinks of the "Christian-believing worldview" and "the mathematical" one. Hegel's thought assimilates these powers, nay, embodies them in their consummate forms: "Hegel's metaphysics is Theo-Logic [...]" (70), Heidegger sums up. The consummation of occidental philosophy is a "Theo-Logic," a thought that unifies Christianity and mathematical rationality in a systematic layout of philosophy. Approximately twenty years later, with reference to Hegel, Heidegger will speak of an "onto-theo-logical constitution of metaphysics."

In the same lecture course from the summer of 1933 we find a direct reference to *Philosophy of Right*. Hegel left Heidelberg for Berlin, because the "philosophy of the state is completed" (19). He hoped to have some political influence and he found mere lecturing tiresome. As Heidegger writes, "His [Hegel's] philosophy gained a highly remarkable influence on the *ethos* of the state." Obviously, Heidegger is referring to two letters Hegel wrote on one day in April 1818 to the University of Heidelberg and to the Department of the Interior. In neither of the two letters do we find any word on a completed "philosophy of the state." Hegel only expresses his hope that he could be "delivered to and needed for a different employment."

Concerning the "remarkable influence on the *ethos* of the state," Heidegger is probably thinking of Hegel's relation to Freiherr vom Stein zum Altenstein, the minister who was responsible for the move of Hegel from Heidelberg to Berlin. In this context, Hegel's academic change was interpreted as a strategic preparation for the anti-revolutionary enactments of Karlsbad (1819). Hegel's polemic words in *Philosophy of Right* about the philosopher and anti-Semite Jakob Friedrich Fries could have been understood in this way. But, in fact, the reasons

for Hegel's decision to go to Berlin were mostly scientific, even if Hegel was indeed later involved in political affairs.

If we suggest that Hegel's career was a model for Heidegger, we nonetheless have to admit that Heidegger refused to go to Berlin and Munich in 1930 and 1933. Of course, there, he would have found better opportunities to win political influence. Obviously, he balanced the situation quite intensely. With respect to Munich, he speculates in a letter to Elisabeth Blochmann from fall 1933 about the possibility "of approaching Hitler and so on"<sup>4</sup>—typically misinterpreting his standing. Different from Hegel, Heidegger was never the philosopher of the capital. But all this happened before he gave up his position as rector at the University of Freiburg. In winter 1934/35, the semester of the Hegel seminar, Heidegger did not have any means to obtain political influence. The fictional identification of Heidegger with Hegel, insinuated by Faye, might be an error.

Despite the fact that in winter 1934/35 Heidegger no longer had any plans to become engaged officially in the politics of the party, it is impossible to deny the absence of any political motivation on his part. Certainly, the intention of the seminar was based on the recognition that Hegel was the philosopher of the "consummation of Western philosophy." In a passage of the seminar manuscript bearing the title "Hegel and us →" (GA 86: 112), he declares that, in this lecture on *Philosophy of Right*, a "fundamental" "overcoming" is at stake. The object of this overcoming was without a doubt the very "consummation of Western philosophy," that is, Hegel's thought as its most complete representation. But, at the same time, Heidegger wanted to connect this philosophical project with the concrete political and, in his eyes, revolutionary situation. The consummation of Western philosophy and its overcoming should be thought of as the metaphysical background for the actual transformations in European history.

The questions, "Why Hegel?" and "Why his *Philosophy of Right*?" can thus receive the following, preliminary, response. In the winter of 1934 Heidegger wanted to interlace two intentions, namely a philosophical project of overcoming a certain historical philosophical situation with a political project of supporting the deep political transformation in Germany. With reference to the parallelization of the lecture course and the seminar, on Hegel as the consummator of Western philosophy and Hölderlin as the initiator of a new history, Heidegger responded to what, for him, was a necessary historical coincidence, a necessary historical "responsibility" (GA 38: 121).

That is why he also was willing to reconsider certain public discourses. He read attentively Ernst Jünger's highly influential essay "The Worker," which was

published at the end of 1932, just to address the “German student as worker” (GA 16: 198–208) in a pathetic speech at the end of November 1933. Obviously, in this time Heidegger recognized in Jünger’s speculative attack the possibility of building a philosophical storm-troop. Another immediate challenge was posed by the texts Carl Schmitt was publishing at this time. In 1933, it was the short article “State, Movement, People: The Triadic Structure of the Political Unity.” In this text, Schmitt declared that “on this January 30th the Hegelian bureaucratic state [*Beamtenstaat*] of the nineteenth century” “was replaced by another construction of state.” And rhetorically he added: “Accordingly, on this day, one can say, ‘Hegel died.’”<sup>5</sup> Of course, this is immediately qualified: it does not mean “that the great work of this German philosopher of the state has become meaningless.” On the contrary: “What is timelessly great and German in Hegel’s powerful spiritual construction remains effective even in the new configuration.” And so, there is no doubt about the strong influence of Hegel on Schmitt in general.

Heidegger heard most clearly the words regarding Hegel’s death: “On 30. I. 33 ‘Hegel died’ – no! he had not yet ‘lived’ – there he has first come alive – just as even history comes alive, i.e. dies” (GA 86: 85). If one understands “Hegel philosophically related to the state as metaphysics of the bureaucratic state,” then “everything is nonsense.” Anyhow, a mere “renewal” of Hegel’s *Philosophy of Right* is impossible. Thus, Heidegger responds to the rhetoric statement of Schmitt. But there was even more in this Schmitt text that must have been interesting for the philosopher. Especially, the “Triadic Structure of Political Unity” in the state, the party, and the people, already mentioned in the title, represented a philosophical provocation for Heidegger. Moreover, what Schmitt wrote about the “principal meaning of the Führer-idea”<sup>6</sup> referred to Heidegger’s own problems. I will return to this issue later.

In the manuscript of the Hegel seminar, there is yet one other indication that supports the assumption that Heidegger was trying to fit his own political position to the more or less philosophical-political discussions around 1933. At the end of the manuscript, we can find considerations that the philosopher bundled under the heading “Basic Ideas on the Doctrine of the State.” They appear to represent his own approach to political philosophy or to the philosophy of the political. This interpretation can be substantiated by the fact that Heidegger tried to come to those “basic ideas” by transferring the concepts from Dasein-analysis to the political dimension. An investigation of Heidegger’s Hegel seminar given in winter 1934/35 has to take into account these notes in particular. But—and

this “but” is not unimportant—in the minutes we find hardly any traces of these notes. In this respect, they must stand on their own.

If I use the expression “philosophy of the political” here, I have to define this concept in a coherent manner, even if all coherent definitions in philosophy are not philosophical anymore. A very simple, though still useful, definition of the political could be: the political is the beginning of every political being, every political thought, and even of every politics. In this sense the political is not present in the sequences of being and thought. The development of the concept is clearly connected to Carl Schmitt. Still, in summer 1942 Heidegger wrote that “now suddenly the ‘political’ is being discovered everywhere” (GA 53: 98)—a strange remark in the times, when, indeed, the political was everywhere at stake.

## The form and the matter of the seminar

Heidegger’s interpretation of Hegel’s *Philosophy of Right* is a seminar “for beginners,” presented in eight sessions. In this determination (“for beginners”) a didactico-academic intention is connected to a didactico-political one. The didactico-academic intention serves as a general introduction to Hegel’s thought; the didactico-political one leads to a philosophical preparation for the new historical situation. The academic intention has to prepare the way for the political. Whatever specific didactics philosophy may have, it can only consist in a unity of the academic and the political.

There is “nothing presupposed” as a precondition to participating in the seminar. “Knowledge of philosophy,” “from wherever it was read and snapped up—without truly having appropriated” has to be left at home. “The will to genuine knowledge” is “positively” necessary. Heidegger wants to guide this “will” to a “philosophical meditation [...] upon the state.” This might be a “fully obsolete undertaking,” but it stems “from out of the belief that our people must still exist in 50 years as well” (GA 86: 95). Therefore, the “beginner” shall lose all previous knowledge, to be able to pose “the basic question concerning the state: to where – from where?” (115) in a new and different way. There, we are not dealing with an academic education of freshman students, but with the “breeding for the future” (120). “Breeding” here means “education,” which, as Heidegger claims, is always “political,” i.e. “co-grounding [*mitgründend*] and unfolding and preserving the Dasein of the state.” For, the “people” is “brought up into the state only in that it becomes the people” (177). But the “political” is “the unity allowing

the original constitution and disposition to arise" (176). The problem is that there is a presupposed "unity" to come in the unfolding of the state's Dasein.

The connection of the didactico-academic with the didactico-political character of the seminar was not unusual in the years after 1933. If we can take something from the seminar "On the Essence and the Concept of Nature, History and State" dating back to the winter semester of 1933/34, it is the documentation of how the intrusion of political issues into the seminars created a specific atmosphere. In the seminar on Hegel's philosophy Heidegger was well prepared. Thus, Heidegger principally addresses the question, whether "we" generally "need" philosophy (108–109). He does so by provoking the students with a remark of the uselessness of studying philosophy. "Here you learn practically nothing" (560), he emphasized, as reported in a student's notes. But even if we have to consider the special situation immediately after 1933, we cannot afford to neglect the fact that Heidegger was always interested in the circumstances of philosophical beginners. Later notes (from the 1950s) on the essence of the seminar (498–499) bear witness to this fact. Nevertheless, the integration of the didactical and the political was certainly a specific challenge.

Heidegger insures his hermeneutic presuppositions in interpreting *Philosophy of Right* by speaking of "alienation" (147). The situation is such that, on the one hand, "all 'concepts'" of Hegel are "otherwise" and "we" have to be "going along with these oddities of the philosopher." On the other hand, "our contemporary concepts are perhaps negligible and the most odd in their arbitrariness," while Hegel "stands truly in the greatness of history." The alternative is didactic insofar as Hegel belongs to this "great (Western) history" by consummating it.

The thematic kernel of the seminar is how Hegel's §§257–276, and especially §§257–268 are interpreted. Here, the matter is Hegel's definition of the state in the third section of the third part of his book, as a whole dealing with "ethical life," *Sittlichkeit*. The main question is the essence of the state. Of course, Heidegger also relates to Hegel's understanding of "family" and of "civil society," notably with regard to the "struggle for recognition" (§57). In general, it must be ascertained that Heidegger keeps Hegel's elucidation of the phenomenon of recognition in mind, albeit transforming it in his own thought. The relation between "morality" and "ethical life" is also reflected. What is not considered by Heidegger is the first part of *Philosophy of Right* about "abstract right," including the definition of property. Concerning the important "Preface," Heidegger only refers to the famous speculative-logical connection of reason and actuality.

The remarks, which contain an echo of the concrete political situation, unfold, for the most part, a didactico-academic doctrine. Over broad parts, the seminar disguises itself as an introduction to Hegel's philosophy. Heidegger lays emphasis on the understanding of Hegel's method, on "dialectics" and the meaning of "negativity" that is immanent to it. In the second session a discussion of the terms "abolition" and "system" appears. At the same time, Heidegger interprets Hegel's ideas of "freedom" and "recognition." The fifth meeting contains an explanation of the general construction of Hegel's book and that is where Heidegger finally reaches the concept of the state in §257. In the sixth and seventh sessions, Heidegger dedicates himself to the already mentioned sequence of §§257–268. Here we find, among other topics, the idea of the state as an "organism." Only the eighth and last session contains a problematization of the concept of the political (607).

Only in this last session does Heidegger note that Hegel's political philosophy could not have been understood as a model. Schmitt's interpretation of the political in terms of the friend–enemy distinction is rejected as not original enough. Hegel's determination of the relation between religion and the state is mentioned. While Heidegger had previously elucidated Hegel's overcoming of the *volonté générale* more or less sketchily, in the context of a discussion of Hegel's concept of "labor" he finally came to a negative remark on Marx, finishing the seminar without any real conclusion.

The special character of the seminar is confirmed by the participation of Erik Wolf, an important philosopher of right, who was a friend of Heidegger's. Wolf emerges in the fourth session, where he contributes introductory considerations of "right in the sense of the jurists" (580). In autumn 1933, Heidegger appointed Wolf to serve as Dean of the Faculty of the Science of Right and the State. In March 1934, Wolf resigned along with his rector. Wolf did not join the party very enthusiastically. Thus, his contribution to the seminar consists in a sober draft of a juridical distinction between right and law (582). Moreover, he gives a survey on the "three kinds of the theory of right": the "dogmatic of right," the "general doctrine of right," and the "philosophy of right" (583). In principle, he contends, one has to ask, "whether our right is at issue," a question which seems ambivalent at best.

The material's relation to actual political events crystallizes, for example, in a note on the "Constitution of the National-Socialist State," where Heidegger distinguishes its "beginning," its "foundations," and its "origin," *Ur-sprung* (74–75), yet without elucidating this distinction further on. It became relevant, for him, to

think about the “degrounding, *Entgründung*, and founding of the New State.” Therefore, he copied for himself the titles of the law of empowering, *Ermächtigungsgesetz*, meant “to Remedy the Distress of State and People” from March 1933, of the “Law for Reich Governors of April 7th, 1933,” and of the “Law to Ensure the Unity of Party and State”—all of them laws that Schmitt was treating, if he was not concerned with writing them, at the same time. Obviously, Heidegger saw in these laws a “grounding” meaning for the factually existing new state.

This summary of the matter and the form of the seminar is necessarily incomplete, but it can show the seminar's oddly fragmented character. Heidegger's notes combine a general introduction to Hegel's philosophy with actual references to new laws; a general introduction to the science of right and law by Wolf with an open critique of Schmitt. The project of overcoming the whole occidental philosophy by confronting this intention with Hegel's philosophy is barely present. Whoever is to judge Heidegger's seminar on *Philosophy of Right*, must deal with this confusing material.

### Focusing on interpretation: The state as spirit

The didactic notes of the seminar notes, in which Heidegger refers to “The Fundamentals for a Doctrine of the State” were added later. He does not mention them during the Winter 1934/35 semester itself. *Grosso modo*, they are quite unsystematic: sometimes referring to the seminar, and, at other times, standing by themselves. We might say that, in these notes on the political, we perhaps have the first, never completed remarks on Heidegger's own political philosophy.

The philosopher speaks of “metapolitical questions” (72). The “metapolitical” is a third concept, in addition to the political and to politics. If the political is what gives every politics its structure (if it is really to be called politics) without appearing in it, the “metapolitical” seems to be something that determines the political without, itself, being political. To be sure, Heidegger did not explicate or develop this term. But his interest in politics and in the political was always in this sense “metapolitical.” For Heidegger, the authentic notion of the political is the “metapolitical.”

In these notes on “The Fundamentals for a Doctrine of the State,” we might distinguish among different thematic threads. One of these is the emphasis on the concept of “spirit” beyond Hegel's systematic understanding of it. Another is

the critique of Carl Schmitt. The third is the attempt, often undertaken at that time, to introduce the concepts from *Being and Time* (for example Dasein and care) into the context of the political. These threads do not appear in isolation, but are clearly interwoven.

For Heidegger, Hegel's understanding of the state can only be grasped in reference to his concept of the spirit. "Infinite spirit" is the "original [*anfänglich*] unification," i.e. "| movement | concrete freedom – return – actualizing [*erwirkende*]"—self-developing self-assertion" (173). But if spirit is an "original unification," it seems to be evident that the state as "organism," i.e. as a unifying form, has a formative meaning for the understanding of spirit itself. Thus, Heidegger claims that Hegel thinks "from early on the spirit from out the state – as ethical life [*Sittlichkeit*]" (143). That is, spirit and state find themselves in a hermeneutic circle; what the state is can only be understood with reference to spirit, and what spirit is—only with reference to the state.

Much has already been said about Heidegger's own interest in the concept of spirit. Already in the winter of 1919/20 he charges the term with great importance. In the *Introduction into Metaphysics* from the summer of 1935 the concept plays a leading role. After a certain transformation, it reappears in the esoteric text "Western Dialogue" and in the interpretations of Trakl around 1945. In the seminar on *Philosophy of Right*, Heidegger once briefly announces: "The state only 'has' power, because it 'is' power – and it 'is' power – because it 'is' spirit" (180). If I were to elucidate the relation between Being and power and spirit, I would overstep the scope of this chapter. At least, it must be said that, with these considerations, Heidegger is distancing himself from the idealistic presuppositions of Hegel and is approaching a political interpretation of the question of the meaning of Being.

The state, or rather its "nature" as spirit, is the "origin of the political" (173), Heidegger writes at one point. In this definition, the philosopher interweaves the understanding of *πόλις* (172), as it is poetized in Homer's *Odyssey*, with the modern state as an offspring of spirit. To this amalgam, Heidegger attributes qualities that are central to Hegel's philosophy. One of these qualities is that the "organism" (176) emerges out of its "essence." Thus, the state is an "organism" because of its origin in spirit. Like an "organism" the state "articulating oneself in oneself" is always on its way to itself. In its organic "unity," the unity of "constitution and political disposition" is included. And to this context belongs still another "unity." For Heidegger (and in a sense also for Hegel) "spirit is always – spirit of a people" (179).



If spirit is always the “spirit of a people,” we not only have to ask about the relation between state and people, but also about what a people is in the first place. For Heidegger, the state is insofar the “Beyng of the people” exists (115), as the “people” is the “source” of the state. This is a precarious elucidation of the “people,” because Heidegger dances ring-around-the-rosy between the concepts of spirit, of the state, and of the people.

In any case, the constitution—though not in the juridical sense—of a people is marked by a certain event. Here, Heidegger leaves the context of Hegel's philosophy and enters the space of Hölderlin's poetry. The genesis of a people is the event of a “theophany” (139). A people appears in the “separating nearness of the God to come.” In the Hölderlin lecture course, it is maintained that “the true appearing or non-appearing of the God in the being of the people out of the distress of the Beyng and for it” (GA 39: 147) is at stake. Especially, in *Contributions to Philosophy* Heidegger has given sustained attention to the idea of a negative-theophanic genesis of a people, the people of the event.

The state as spirit, in turn, is “self-developing self-assertion.” This “self-assertion” is understood as a “struggle for recognition” (173). What Hegel thinks of as a social “struggle” of classified individuals as forms of consciousness is transformed by Heidegger into a “struggle” of institutions, such as the university, or the state, or, in a different way, of a people. Hence, the often-used term “self-assertion” does not mean the annihilation of the other state or people, but their recognition, in the sense of mutual recognition. Nevertheless, for Heidegger, the “struggle for recognition” not only could but, indeed, must be intensified.

## Heidegger and Schmitt

Beyond their biographical proximity or distance, the relation of Heidegger and Schmitt is still not sufficiently thought through. This difficult task would primarily have to be condensing this relation to two positions, from which a meaningful approach in general would be possible. This theoretical encounter would, without a doubt, have to transcend Heidegger's fragmentary remarks on the way to a more principled discussion.

In the backdrop of the seminar on *Philosophy of Right*, including the notes on “Basic Ideas of the Doctrine of the State,” there is the provocation of Schmittian thought. According to his letter to Schmitt from August 1933, Heidegger was familiar with *The Concept of the Political* in its second edition of 1932, where the

friend–enemy distinction was introduced as a “conceptual determination in the sense of a criterion, not as a sufficient definition or material characterization.”<sup>77</sup> Heidegger interprets it in the sense of a metaphysical principle, albeit an insufficient one. For Heidegger, the struggle for recognition is the phenomenal foundation for the friend–enemy distinction. The “essential origin,” *Wesensursprung*, is “Beyng” “as historical being-in-the-world,” which is understood as “self-willing,” “the willing-with and -against” (174), that is to say, as the struggle for recognition. In the beginning, the “historical Dasein” presupposes “πόλεμος and its metaphysical ground” as “truth” (177). Corresponding to this, “historicality is decisively-danger-forming as well as sheltering and eliminating the danger.” The difference of friend and enemy, which can turn into war, is “metapolitically” reduced to πόλεμος, as Heraclitus thinks it (Frg. 53). For Heidegger this πόλεμος is simply “Beyng.” And Schmitt did send the third edition of *The Concept of the Political* to Heidegger with the fragment on πόλεμος as a dedication.

In his considerations of the state, Heidegger was not only provoked by *The Concept of the Political* but, perhaps even more so, by Schmitt’s article “State, Movement, People.” In this text, Schmitt expounds on the “political unity of the present state” in its trinominal structure. This unity is considered to be totally different from the “liberal-democratic scheme of the state” from the nineteenth century. That is why Schmitt announces the death of Hegel. If Heidegger contradicts this judgment by claiming that Hegel came “alive” for the first time with the takeover of the Nazis, then he thinks of the necessity of overcoming the Christian and mathematic character of metaphysics as a necessary philosophical grounding of the political event. In Heidegger’s view, Schmitt argued for a political revolution without a philosophical one. In this sense, Heidegger—who, in this, is not far from Leo Strauss—thinks that Schmitt’s thought is “liberal.”

Schmitt’s article focused on the “core concept of the national-socialist right of the state,” namely the “concept of leadership.”<sup>78</sup> “Leading” is “not commanding, dictating, issuing a centralized-bureaucratic ruling, or any arbitrary form of domination” (41). “Leading” is a “concept of immediate and real presence [*unmittelbarer Gegenwart und realer Präsenz*].” The result of this “concept” is the “positive demand” of an “unconditional equality of character [or race, *Artgleichheit*] between the leader and his following.” In the “equality of character (or race)” Schmitt sees the presupposition of a “permanent unmistakable contact between the leader and the following as their mutual fidelity.” I do not have to emphasize that the concept of “equality of character (or race)” seems to be intentionally porous.

Heidegger approaches this problem through the question of how “leadership” can be legitimate (GA 86: 170). For him, the “leader” is “in thinking (king) lord – in action, servant” (169). He orients himself in philosophy and serves the whole. Still, the main point of reference for the “leader” is not the state, but the people. The “leader” “thinks much and knowingly wants – what the people wants.” Indeed the people does not know what it wants. But in the “leader” it comes to itself. For Heidegger, between the “leader” and the people there is a “metaphysical correspondence – which occurs groundingly – where the people attains to such a being and – as a state – thoroughly shape it.” Schmitt took the risk of losing himself in biologicistic non-concepts. Heidegger tries to insinuate a metaphysical “ground.” Although both of these attempts to deliver a philosophical justification of “leadership” are corrupt, it can be stressed that Heidegger avoids not only a biologicistic concept of the relation between the “leader” and the people, but also a biologicistic concept of the people.

## The political as care

The refusal to biologize the people is announced where Heidegger attempts to bring Dasein into a political context. Dasein cannot “be deduced ‘biologically’” (161) but emerges from out of “care, correctly grasped.” At this point, Heidegger endeavors to interpret the political through his own concepts. The foundation for this attempt is the idea that “Beyng” is “power” (cf. GA 65: 76–77). “Power” stems from the πόλεμος, which unfolds in the first structure of rule (gods/humans, slaves/those who are free). There, in the first instance, “power” is not a political phenomenon but a “metapolitical” condition of possibility.

Probably the most important sketch for a political philosophy in the context of the seminar on Hegel's *Philosophy of Right* is the one that goes under the heading “The Metaphysical Basic Power of the Future State” (162). Here, care as a political existential is derived from the “struggle,” i.e. from πόλεμος. Care is then analyzed into four elements. At first, it appears as “mastery.” This “mastery” is seized and wielded by the “ones who care.” The end of care is “to ‘guard’ [*wahren*] beings.” The second element of care is “work.” Under this determination, we could find a response to Jünger's ideas about the “worker.” For Heidegger, care is the first intention of work. In its third element, care appears as “truth,” which realizes itself in “nature – soil – blood – homeland – landscape – Gods – death.” Finally, care is

“finitude”, in which the “fissure” [*Zerklüftung*] of Being, i.e. the modality in its temporal distinctions, is present.

The question is whether Heidegger has found his own access to the political. The crucial idea is that the political is located “in the essence of the state” (173), in the very “manner, in which it essences.” This interpretation also seems to form a circle, if we are aware of the fact that the state necessarily presupposes the political. Another determination of the political reads: “The political (that is) being = care of the people (not ‘for’ the people) [...]” (174). This understanding primarily identifies the political with Being, in order to deliver it to the “care of the people.” This sense of care refers not to the self-preservation of the “caring”, but, as I have mentioned earlier, of “beings.” But there is still another aspect to remember. “Being” is, in this context, “metapolitically” thought as πόλεμος. Therefore, care is the response and, at that time for Heidegger, the “responsibility” for the power of πόλεμος.

Approximately ten years later Heidegger was far from trying to play any role in the political discourses. National Socialism was unmasked. Interpreting the *Antigone* of Sophocles again, he might have seen that the “care” for the power of πόλεμος was in vain. Tragedy became the paradigm of the political. Care was no longer its essence, but a “venture.” The Germans should become the people of tragedy, of this “venture.” But technology became the dominating factor in the history of being. And in technology, there is no tragedy.

## Notes

- 1 One of the first scholars, who mentioned the seminar, was Jeffrey Barash in his article “Martin Heidegger in the Perspective of the 20th Century,” *Journal of Modern History*, 64(1), 1992, pp. 52–78. Barash and Emmanuel Faye, who will be quoted here a few times, did not know the manuscript of the seminar. All that they say refers to the transcripts of Wilhelm Hallwachs and Siegfried Bröse.
- 2 This appearance is pursued especially by Emmanuel Faye in his *Heidegger: The Introduction of Nazism into Philosophy in the Light of the Unpublished Seminars of 1933–1935* (New Haven: Yale University, 2009). To understand Faye’s text in the strongest form, we have to refer to the beginning of the preface. There, Faye declares that there is a “battle, more protracted and sinister” than a “world war,” “a contest in which the future of the human race is at stake” (p. xxiii). And in the center of this “battle” are Heidegger’s complete works, *Gesamtausgabe*, continuing “to spread the fundamental tenets of Nazism on a world-wide scale” (p. xxv).

- 3 Faye, *Heidegger*, p. 229.
- 4 Martin Heidegger/Elisabeth Blochmann, *Briefwechsel 1918–1969*, edited by Joachim W. Storck (Marbach am Neckar: Deutsche Schillergesellschaft, 2/1990), p. 74.
- 5 Carl Schmitt, *Staat, Bewegung, Volk. Die Dreigliederung der politischen Einheit* (Hamburg: Hanseatische Verlagsanstalt, 1933), pp. 31–32.
- 6 Schmitt, *Staat, Bewegung, Volk*, p. 36.
- 7 Carl Schmitt, *Der Begriff des Politischen. Mit einer Rede über das Zeitalter der Neutralisierungen und Entpolitisierungen* (München and Leipzig: Duncker & Humblot, 1932), p. 14.
- 8 Schmitt, *Staat, Bewegung, Volk*, p. 36.

# Hegel in 1933

Susanna Lindberg

## Heidegger, Schmitt, and national socialism

The tension between Hegel and Heidegger determines much of the field of Continental philosophy. This is why the examination of their relationship is not just scholarly work on a complicated passage in the history of philosophy, but a cartography of the very domain of contemporary thought. Much of their relation is well known today. To me, it seems that Heidegger has not one but several readings of Hegel: he makes a distinction (*abhebende Verdeutlichung*) between his own and Hegel's thinking of time; he confronts (*Auseinandersezung*) Hegel's thinking of history and community; and he dialogues (*Gespräch*) with Hegel on being.<sup>1</sup> A fourth type of reading has been inaccessible until the recent publication of the lecture course *Hegel's Philosophy of Right* from the winter semester 1934/35, which gives a unique view on Heidegger's confrontation with Hegel on the subject of the political.<sup>2</sup> This lecture course was "known" and fiercely debated well before its publication in 2011, in the sense that it was presented as a crucial element in determining the extent of Heidegger's Nazi involvement, but in the absence of the text *proper* it could not be examined as a reading of Hegel.<sup>3</sup>

In the present chapter, I analyze this material not because I find it philosophically inspiring but because for anyone having worked on the Hegel–Heidegger relationship it is a case of professional conscience. My approach will be cold and scholarly: my only aim is to decipher Heidegger's notes in order to show what he wanted to teach in this course. I will not discuss Heidegger's Nazism, because the question hides no secret: it has been clearly shown that in 1933–1935 Heidegger fully supported the national-socialist regime and promoted the *Führerprinzip* (and, strangely, it seems necessary to affirm that, for us, this is unacceptable).

I will, then, point at the conceptual core of his theory of the political in order to determine where he went wrong—both politically *and* philosophically.

*Hegel's Philosophy of Right* consists in Heidegger's seminar notes. In GA 86, they are supplemented by notes by Heidegger's students Wilhelm Hallwachs and Siegfried Bröse and by the seminar records (not translated). The text is extensive (in GA 86, the whole makes 231 pages), but Heidegger's own part is only a series of notes for a lecture course that have not been prepared for publication. The notes of Hallwachs, completed by notes from Bröse, as well as the anonymous seminar record, are thoroughly written texts, in which it is easy to recognize Heidegger's style. Curiously, they differ in tone from Heidegger's own notes: while Heidegger's own notes are essentially an explication of the philosophical foundations of national-socialism, the students' notes consist mainly in a scholarly presentation of Hegel's *Philosophy of Right* for beginners, in which the commentaries of actuality are limited to a concise, formal debate with Carl Schmitt on the possibility of defining the political by the friend–foe distinction, and only the last lecture poses explicitly the question of the philosophical foundations of the national-socialist state. We cannot infer much from this discrepancy; anyway, this kind of a material cannot be examined as an accomplished philosophical essay. However, for two general reasons, it is useful to reconstruct a virtual philosophical thesis that looms behind Heidegger's notes.

Firstly, *Hegel's Philosophy of Right* is one of the very few works by Heidegger that are explicitly and extensively dedicated to political philosophy.<sup>4</sup>

Secondly, although Heidegger has often worked on Hegel, this is his only work on Hegel's influential political philosophy. Like he has already done in the lecture course *Der deutsche Idealismus* (1929), and in the *Die Grundfrage der Philosophie* (1933), Heidegger is motivated above all by a desire to clarify “our *Dasein*” by contra-posing it to its most intimate past.<sup>5</sup> If, in these texts, Hegel's metaphysics is simply past for us and without a fruitful actuality,<sup>6</sup> in 1934/35, unexpectedly, Hegel's political philosophy appears extremely actual. The lecture course “*Hegel's Philosophy of Right*” is unique because in it, Heidegger wants to “become friends” with Hegel's doctrine of the state (GA 86: 551).

It soon turns out, however, that Hegel is for Heidegger a strategic ally in a debate with Carl Schmitt, whose concepts are omnipresent in the notes (*Suverenität, das Politische, Totaler Staat*, etc.). Heidegger cites Schmitt's claim from his 1933 opusculum *State, Movement, People. The Triadic Structure of the Political Unity*: “On 30.I.33 ‘Hegel died’ ”<sup>7</sup> and objects: “– no! he [Hegel] had not yet ‘lived’! – there he has first come *alive* – just as even history comes alive, i.e.

dies" (GA 86: 85). Heidegger's claim in 1934/35 of Hegel's grandeur and actuality betrays his way of conceiving the entire lecture course as a debate with Schmitt on the proper interpretation of Hegel.

Schmitt's *State, Movement, People* is an exposition of the theoretical foundations of the national-socialist state. It is the contrary of the pluralist, egalitarian liberal-democratic regime of the Weimar republic because it inserts, between the "political-static" state and the "apolitical" people, the "political-dynamic" "movement,"<sup>8</sup> i.e. the one-party political organization, which submits both the state apparatus and the people to political leadership, *Führung*. The essence of the national-socialist state is leadership, which is fit for the German people, because it is based on the *Artgleichheit*, "commonality of kind" between the leader and the led. Although in his previous works Schmitt had grounded the political on the friend-foe distinction, which is not necessarily racial, in 1933 his notion of *Artgleichheit* is in accordance with the new orthodoxy of racial identity and, worse, makes it in principle possible to ground the political on the choice of a "racial enemy."<sup>9</sup>

Why would Hegel be dead vs. alive in 1933? Schmitt specifies that the "great work of the German philosopher of state" remains meaningful but that "only the forms of the Hegelian bureaucratic state corresponding to the domestic political situation of the 19th century are eliminated and replaced by other configurations, corresponding to our contemporary reality." Like Schmitt, Heidegger thinks that Hegel's political philosophy is past for us if it is only a metaphysics of the bureaucratic state. At stake is the proper identification of what Hegel called the "universal class," which, for Hegel, was constituted by "bureaucrats," i.e. civil servants, insofar as (by definition) they served the common good and not their personal interests. If Marx contested the universal vocation of civil servants by saying that the true universal class is the proletariat, Schmitt and Heidegger determine the universal class of a particular state as its "people," understood as a community of kind (*Volk*) determined either naturally by *Artgleichheit* (Schmitt) or spiritually by *Geschick*, referring to a common destiny (Heidegger). The philosophical foundation of the national-socialist state is to be found in the people as "universal class." For Heidegger, this, in turn, is a metaphysical task, which leads to his confrontation with the Hegelian metaphysics that supported the old Prussian monarchy.

The metaphysical grounding of the national-socialist state requires first of all a clarification of the spiritual-political situation of Germany. How did Heidegger see the political situation in the winter of 1934/1935? In his personal notes,



Heidegger supports the national-socialist regime, because it counters the prevailing spiritlessness and proposes “genuine standards.” Like Schmitt in *State, Movement, People*, Heidegger defines the national-socialist state through *Führerprinzip* as a state, which is completely determined by the party, which, in its turn, is completely determined by its leader (*Führer*). Like Schmitt, Heidegger knows that this presupposes the “political schooling [...] of the ‘masses’ into a people” (GA 86: 65).<sup>10</sup> Schmitt’s and Heidegger’s conception of the constitution of the national-socialist state is thus powered by a haughty rejection of both Marxist and liberal-democratic conceptions of the political community (GA 86: 550, 604, 607, 609–611, 651). Against liberalism, they criticize the division of powers because it would lead to egoism and mistrust (GA 86: 72), against which they defend “The Unification of Powers in the Dasein of the Leader [*Führer*]” (GA 86: 73). The core of *Führerprinzip* is not the synthesis of all powers in the hands of one person, but the grounding of all power in a single *relation* that Schmitt calls *Artgleichheit* and that Heidegger calls *Führungsverhältnis*. According to Heidegger, the *Führer* is not the leader because of his personality but because of a “metaphysical correspondence” to an event of being which shapes a people into a state (GA 86: 169).<sup>11</sup> Against Marxism, Heidegger criticizes the lowliness of the proletarian mass, against which he recommends an elitist and authoritarian rank order (GA 86: 73). The Marxist interpretation of the proletariat as the universal class, which implies the radical demand for democracy and equality,<sup>12</sup> seems erroneous to Heidegger, who thinks that “The state should consist in the ‘fact’ that one commands and the others obey!” (GA 86: 85, cf. 163). Both liberalism and Marxism are presented by Heidegger as “sociological” approaches to the state—approaches that Heidegger wants to surpass with the help of a “metaphysical” grounding of the state, prefigured by Hegel.

In light of this text (and of *Über Wesen und Begriff von Natur, Geschichte und Staat*), Heidegger’s National Socialism consists in a strong justification of the *Führerprinzip*. While it is easy to affirm this, it is more difficult to judge to what extent Heidegger’s thinking is racist or anti-Semitic. The thematic of “race” occurs occasionally in his writings from the period, but it does not have a positive sense, and in later writings he is clearly opposed to biologism and racism. Generally, Heidegger is not a racist and he certainly does not justify racial selection or extermination. Only in 1933–1934, to use Peperstraten’s expression, his *onto-politology* is occasionally accompanied by an *onto-physiology*.<sup>13</sup> In Hegel’s *Rechtsphilosophie*, all occurrences of the word “race” pivot on the question

whether the state could be grounded on race, to which the answer is invariably negative, except for one occurrence that I will discuss below. The state must be grounded on “*Volk*,” which must be determined spiritually and metaphysically, not racially and biologically. The case of anti-Semitism is more complicated. The word “Jew” does not occur “at all” in Hegel “*Rechtsphilosophie*,” but according to the record of the eighth lesson (on February 16, 1934) of *Über Wesen und Begriff von Natur, Geschichte und Staat* Heidegger has discussed with his students the relation of a people to its space and said: “to Slavonic peoples the nature of our German space would be revealed quite differently than to us; to Semitic nomads it would maybe not be revealed at all.”<sup>14</sup> To use Peter Trawny’s expression, this sentence reflects the “being-historical anti-Semitism” that has become obvious since the publication of *Schwarze Hefte*.<sup>15</sup> Heidegger is opposed to the Jews’ supposed incapacity of proper national “habitation” as a sing of modern cosmopolitanism and uprootedness from autochthonous ways of life, to which he opposes the possibility of a *situated, auto-affirmed* political community, like the Greek *polis* (GA 86: 172; 608–609; 654–655). We must say with Heinz that affirmations such as these constitute existential-ontological racism and anti-Semitism<sup>16</sup>. But we must also say with Peperstraten that Heidegger’s philosophical argument is different from Nazi politics insofar as it rejects biological justifications of anti-Semitism (but he is in line with a traditional spiritual racism and anti-Semitism, which can also easily be found for instance in Hegel and, alas, in contemporary politics)? For my part, I find the debate fruitful only as a mirror of our contemporary societies.

### Heidegger’s interpretation of Hegel’s *Philosophy of Right*

We have seen so far that in Hegel “*Rechtsphilosophie*,” Heidegger allies himself with Hegel in order to examine the metaphysical foundations of the political, which will turn out to be grounded in historicity. Many readers have observed that in his considerations of history, Heidegger resembles Hegel.<sup>17</sup> If philosophy of history only implies a political philosophy, in Hegel “*Rechtsphilosophie*” Heidegger addresses the question of the political directly. Here, both Hegel and Heidegger examine the political in terms of the *state* and think, on the one hand, that human life can only be fully realized in the state and, on the other hand, that the state is the realization of a superior metaphysical truth (reason/being).

However, their proximity hides a distance that Heidegger, in his own notes, attempts to clarify.

Heidegger's reading of Hegel's *Philosophy of Right* is imprecise and strategic. In this reading, he actually concentrates on a single moment (although he mentions many other paragraphs, too) and explains its general context and sense.

The center of Heidegger's reading of Hegel's *Philosophy of Right* is the §§257–258, which constitute the general introduction to the concept of the state, and more generally the §§257–270, which develop the internal state right up to the notion of the internal polity.<sup>18</sup> In §§257–259 of his text, Hegel gives the general definition of the state as the realized ethical idea, i.e. as the realization of freedom, which he defines as the coincidence of individual and collective freedom. In other words, Heidegger does not pay practically any attention to the 250 first paragraphs of the book—which means that he skips the general presentation of concepts of will, freedom, and right; the “abstract” right concerning property, contract and wrong; “morality” concerning the individual; and in the important third part “Ethical System” the two first sections “family” and “civil society.” Even in Section 3 on the state he hardly discusses Internal Polity, International Law and World History, with which Hegel concludes his book. In Heidegger's reading, reason gains primacy over reality, because the latter has the inherent tendency towards empirical contingency. He does not examine the state as the *result* of family and civil society but only as their *ground*,<sup>19</sup> which includes and encloses the multifaceted analyses of family and civil society, as well as of the internal organization of the state through estates, civil servants, and monarch. Heidegger's perspective is defensible—Marx stresses the same paragraphs in his *Critique of Hegel's “Philosophy of Right”*—but it remains selective.

Heidegger only discusses the fundamental principle of the state. He emphasizes Hegel's state as the realization of reason such as it is explained in the entire system. Heidegger explains the dialectical unity of will, freedom, and spirit and says that the metaphysical essence of the state is the will.<sup>20</sup> He rightly observes that, for Hegel, a singular self cannot be free, for freedom can only be real as the reciprocal recognition of freedom. This recognition is spirit, and its concrete reality is the state.<sup>21</sup>

Heidegger underlines that the Hegelian state's objective will is realized in an *organic* conception of the state. Hegel's state is not a biological but a spiritual organism, which means not only that parts exist in function of totality, but also

that the organism is a relation to itself and therefore structurally a subject.<sup>22</sup> The metaphysical concept of organism is the “development of the idea into its differentiations” (GA 86: 61), and in the case of the state this means that spirit is active, working to bring itself into history and to realize itself in all the customs, works, and institutions of a people.

The aim of this confrontation with Hegel’s state is the clarification of the constitution of the national-socialist “total” or “*völkisch*” state.<sup>23</sup> With Hegel’s help, Heidegger can reject both the simple practical approaches and the crude “scientific” conception of the “total state” according to a “biological zoology.”<sup>24</sup> If Marx’s explication of the state is too sociological (GA 86: 607), Carl Schmitt’s foundation of the state on the relation friend–foe is not originary enough either, and Hegel is more metaphysical than either one of them.<sup>25</sup> However, Hegel’s conception of the state in terms of spirit, freedom, and thinking, which are characteristic of absolute idealism, remains outdated in the new situation (GA 86: 83, 171).

In his notes, Heidegger repeatedly asks what is “at work” in his actuality. He lists his time’s key words—forces, powers, ideas, people (race), community (socialism), people’s existence (*volkhaftes Dasein*), work, leadership (*Führung*), unity, honor, reign (*Reich*)—and asks what is their metaphysical essence, unity, and ontological constitution (GA 86: 82, 171). Heidegger’s answer is the interpretation of the “*state as the being of the people*.”<sup>26</sup> He sketches a scheme showing how being carries the *Dasein*, which is confirmed, on the one hand, by poetizing and thinking, and, on the other hand, by political calculation and deed (GA 86: 121). Leadership is essential to this even in the absence of the leader (GA 86: 156, 161, 169). In other words, Heidegger thinks that the metaphysical constitution of the national-socialist state is the thinking of the state as being and of people as beings. Indeed, grounding the state on being is metaphysically different from the Hegelian grounding of the state on Reason.

How do people fit in the two models of the state? In Hegel’s *Elements of the Philosophy of Right*, the fundamental demand of reason is the concrete existence of freedom: this is the idea of right.<sup>27</sup> Freedom can only exist concretely in the state insofar as the state’s freedom is not the limitation but the very condition of individual freedom. In §268, Hegel explains how the individual becomes conscious of this condition in *political disposition or patriotism*.<sup>28</sup> By patriotism Hegel means eventually not the willingness of individuals to submit themselves to extreme sacrifice, but, essentially, ordinary life’s trust in stability and the order of things. Civil servants can constitute the “universal class” because, as educated

persons, they know that this trust is based on functioning institutions, whereas the uneducated take it for granted. Both, however, can be equally patriotic, and contrary to Plato's *Republic*, Hegel's *Philosophy of Right* does not recommend any specific political education (families are responsible for education). Hegel's "political disposition" is a constant and conscious (albeit more or less insightful) confidence. It is more than the ethical substance determined by *Zeitgeist* and *Volkgeist* because it determines freedom and thereby the *political subject* with a genuine will and consciousness.

Heidegger does not define the state as the condition for freedom of its citizens but as their being. Contrary to Hegel he does not consider citizens as subjects, whose free will is at stake, but as beings whose being is at stake. In *Hegel's Philosophy of Right* (and in *Über Wesen und Begriff von Natur, Geschichte und Staat*) Heidegger explains the true essence of the state through the Homeric *polis*, understood in terms of the milieu of the *Dasein*, which he characterizes both as a "*Volk*," understood as a kin or a race, and as a common, or the place of the market and of the temple—that is, particular ethnic or cultural forms.<sup>29</sup> Although Heidegger will soon give up the definition of *Dasein* as *Volk*, the interpretation of *Dasein* as a historical site will remain important for him also in his later texts on historicity and poetry, in which the community is gathered through a *logos* and not through a figure. (The difference between these two is that, while the figure is more or less given, *logos* appears as a future task that, nonetheless, cannot be willed or discharged by men, unless it is first "willed" by being. Such an idea of the "*logos*," linked to a historical site, resembles the way in which, in Hegel's *Philosophy of History*, world spirit enters history each time as a specific *Zeitgeist* and *Volkgeist* that overdetermine a people, without, at the same time, explaining the individual's subjective response to the situation that is important in his *Philosophy of Right*.)

Heidegger does not examine the relation of individuals to the state in terms of patriotic love but in terms of political schooling, which converts the masses into a people by imposing a figure onto them.<sup>30</sup> National-socialist political education is quite different from traditional patriotism. Hegelian *Bildung* is the gradual formation of the people by the spirit and of the spirit by the people, even though this cannot be consciously willed by any state educator. Heidegger speaks of a conscious, methodical indoctrination of people by other people in a system with a strong discipline and a clear order of rank, where some command and others obey. While Hegel describes a civilian who might be ready to take arms to defend his country in the situation of war,

Heidegger toys with the idea of militarizing a whole nation during a constant state of exception.

In the last lecture, Heidegger seems to have reached his true objective that was constantly present in the notes, namely the understanding of what the national-socialist rhetoric called a “total state” or a *völkish* state. Hegel’s work is important insofar as he finds a metaphysical concept of the political (GA 86: 609). Still, Heidegger rejects Hegel’s interpretation of the political as freedom that is realized as action, and, instead, interprets it as being that articulated as a “site.”

It is against this background that we should, no doubt, understand the seminar’s most problematic passage: “What is reasonable in and for itself is not the idea but the development of the idea of the state, that is to say a people which understands itself as a state. [...] When we have recognized ourselves as a people, as Germans, and when we adopt a state structure, we prove and guard our knowledge only insofar as we live and act in the necessary limits of our German essence and our idea of the state. Each defection from the essence of the people is a betrayal of the constitution and of the state, even though this is not conceivable juridically” (GA 86: 640). Whether the “German essence” is “racial” or “spiritual,” the consideration of a “defection” or a “fall” (*Abfall*) from a national essence as a betrayal, a treachery or a treason (*Verrat*) implies that it must be punishable, “even though this were not conceivable juridically.” This is, to my mind, the ugliest passage of the seminar protocol, seeing that it participates in Nazi barbarity instead of only speculating on its metaphysical essence.

Because Hegel is constantly quoted here, I want to underline that he would never accept an extra-judicial punishment for a deviation from national essence. Firstly, Hegel puts law far above any individual will and party position, as can be seen clearly in his mordant critique of von Haller’s *Restauration der Staatswissenschaft*.<sup>31</sup> According to Hegel, law must be the same for all, including the Jews, whose religion he has often criticized as a manifestation of rigid metaphysics, but whose freedom of religion and civic rights he has firmly defended.<sup>32</sup> Secondly, this is because Hegel is also a son of Enlightenment insofar as he thinks that “it is the essence of education and of thought, which is the consciousness of the individual in universal form, that the I should be apprehended as a universal person, in whom all are identical. Man must be accounted a universal being, not because he is a Jew, Catholic, Protestant, German, or Italian, but because he is a man.”<sup>33</sup> If humanity does not depend on nationality or religion, it does not depend on individual character either: “The state is not a work of art. It

is in the world, in the sphere of caprice, accident, and error. Evil behavior can doubtless disfigure it in many ways, but the ugliest man, the criminal, the invalid, the cripple, are living men. The positive thing, the life, is present in spite of defects, and it is with this affirmative that we have here to deal."<sup>34</sup> Hegel does not pay much attention to faulty, deformed cases because he thinks that they are not essential for the comprehension of the idea. And yet, he thinks that even the bad, the sick and the ugly are also human beings who must not be rejected pitilessly. Hegel has compassion for the poor and thinks that the community should help them, even as he criticizes the industrial monotony and the exploitation of workers, which will soon after develop into what Marx called the proletariat.

This short debate highlights the way in which the state interpreted as the being of beings can lead to an evaluation of the human being in the function of his or her ethnic or spiritual type, while the state interpreted as a figuration of freedom cannot do so. And this is the most fundamental epochal difference between Hegel's and Heidegger's philosophies of the state.

### Hegel, otherwise

Had Heidegger read Hegel instead of only instrumentalizing him, he could have discovered a very different political philosophy, which seems more relevant today than Heidegger's Schmittian sketch. I cannot go into its metaphysical principles here, but I want to raise two practical points that go in the opposite direction than Heidegger's philosophy of state, namely the roles of the civil community and of the head of state.

Hegel's state is by definition the fulfillment of *individual* freedom, and this is why it is completely different from Heidegger's 1934/35 sketch for a national-socialist state. For Hegel, freedom is necessarily the freedom of the many, who do not have the same particular interests and who do not agree on the best policies. Freedom is real only when my freedom is conditioned by yours, and this is why freedom presupposes the entire logic of recognition presented in *Phenomenology of Spirit*. The first 250 paragraphs of *Philosophy of Right* are as essential as the last part on the state: the state is not the ground of family and civil society, without having first been their result, and it has to be complex enough to include all of their contingencies and contradictions. Particular egoistic interests remain necessary, and there is no state if people do not care about their families and civil society. Both family and "civil society" function as a constant counterweight to

the universal class's belief in its capacity to incarnate the reason of the state. It is good for the community that the state regulates the commercial estate and that this regularly thwarts the state's plans. The state is made of such disagreements, and this is why the general structure of Hegel's state is modern. The state remains the domain of freedom, and, though it is not democratic in the modern sense but entails a parliamentary monarchy with a strong representation of the estates, it is nevertheless an arena for collective deliberation.

Another essential difference between Hegel's and Heidegger's states is the role of the head of the state. It is worth recalling that Hegel defends constitutional monarchism, which is one of the models against which the totalitarian charismatic leadership was instituted. Hegel and Heidegger share the idea that a state needs a head, who must be a singular person but who does not need to manifest any particular (moral, intellectual) excellence (for Hegel, this is a truly speculative paradox<sup>35</sup>). Hegel's state needs such a contingent person because an idea can be born in history only through the free decision of a singular person, who does not need to know the reasons and consequences of her or his decision.<sup>36</sup> The Hegelian monarch's decision is completely different from the national-socialist Führer's decision, because it is a purely formal validation of a decision, the contents of which are framed by law and negotiated by civil servants and civil society's interest groups. The king is "only a man who says 'Yes,' and so puts the dot upon the 'I.'"<sup>37</sup> While the Führer decides on the contents of politics independently of the law, the constitutional monarch has a purely formal role, tightly framed by law.

The national-socialist leader resembles, in fact, the "heroes" of Hegel's philosophy of history, who rise against the established order because they have an insight into the will of world spirit. Hitler may be said to "make history", much like Hegel's preferred examples of Cesar and Napoleon. However, Hegel underlines the criminal and tragic character of world-historical heroes, who belong to a totally different category than the constitutional monarch of a law-abiding state. Heidegger also presents *Führerprinzip* as an extra-political, ontologico-historical foundation of the political, but immediately afterwards, as if by a category mistake, he changes it into a purely political institution of one man's will as the only content of the state. Hegel would never promote the king's cult of the personality nor the identification of the whole people with the king's will. To some extent, both Hegel's hero and Heidegger's leader are the historical existence of a *logos* of reason/being. But for Hegel, spirit's existence in history is the result of the long practice of innumerable persons, none of whom controls the process,



whereas in Heidegger's 1934/35 lecture being is supposed to come into history through the controlling will of a single man. Whatever Heidegger's idea may have been, *Führerprinzip* is not compatible with the impersonality of the *logos* of history.

## Conclusion

Heidegger's lecture course on Hegel's *Elements of Philosophy of Right* is neither a groundbreaking interpretation of Hegel nor a promising political philosophy. At best, this meditation on the metaphysical idea of the state contributed to Heidegger's own development by revealing a theoretical dead end.

In the context of Heidegger's thinking as a whole, the idea developed in his two texts on "political philosophy"—the identification of the state with being and of people with beings—is absurd. As Peperstraten has shown, the very principle of the ontological difference is the retreat of being, not its realization as a determined state. Heidegger goes far beyond the classical idea that a human being can only live a *happy* or *free* life if she or he belongs to a political community. He says in a distinctively national-socialist manner that state is the incarnation of *truth*, which is first incarnated in the leader and then transmitted by him to a whole people through the love that people feel for him. Such an idea of the pure *presence* of a truth without withdrawal that overwhelms *Dasein*, making all questions useless and transforming everybody into an inauthentic *das Man*, who is dependent on the mythological actions of a single hero, should have been the very contrary of Heidegger's thinking of being. More precisely, Heidegger should have kept in his political forays to the thinking of truth as unconcealment, which cannot go without concealment, and of questioning of being which cannot take place if the sense of being is already instituted as a fact. *Führerprinzip* is contrary to Heidegger's own thinking of being because it makes questioning impossible. In later texts, Heidegger defines his own thinking by distinguishing it from Hegel's philosophy and claiming that Hegel would have promoted the presence of truth in history and thereby provoked the extinction of the "question." Many might indeed assume that the idea of the state as the incarnation of a historical *logos* is characteristic of Hegel rather than Heidegger; in this case, the *Führerprinzip* defended by Heidegger is far more "Hegelian" than Hegel himself, since Hegel would not have accepted the idea that a just state described in *Philosophy of Right* could be

instituted by a single man nor that it would require the outpouring of the people's love for a hero.

Heidegger may generally criticize Hegel's thesis of the incarnation of the idea in history. However, in *Hegel's Philosophy of Right* he goes much further than that, for he toys with the idea of the presence of being as a state brought about by the incarnation of truth in a man. This idea of the presence of truth in history will be rejected, or at least considerably refined, some years later—especially in Hölderlin lectures, where Heidegger underlines the separation of the poet from the people and of the sense of being from a given historical situation. From then on, Heidegger will study the *distance* between the questioning and the possibility of the sense of being, which, precisely, opens the space for thinking. He will argue that the immediate presence of the idea suppresses, along with the distance, the need to wonder, think, and question: the presence of the idea is both the end of history and the end of thinking. In these works Heidegger will oppose Hölderlin's thinking of historicity as *Andenken* to Hegel's thinking of historicity as *Erinnerung*, claiming that *Andenken* respects the very distance that *Erinnerung* suppresses. The validity of this claim does not need to be examined here, but it shows that when Heidegger makes it, he has given up on the pure presence of the sense of being as historical reality.

In other later texts—for instance in “Letter on Humanism” and “On the Question of Being”—Heidegger associates Hegel with the era of technology, when calculative reason takes over existence and destroys the possibility of historical “habitation.” In these works Heidegger assimilates Hegel to Marx, while in *Hegel. Rechtsphilosophie* he, on the contrary, “saves” Hegel from Marx's “sociological” thinking.

At the margins of his critique of technology, Heidegger also shows, albeit in a veiled, roundabout manner, that technological reason is also at the heart of Nazism. In these texts Heidegger criticizes Hegel because his infinite metaphysics would lead to the era of technology, to which Heidegger opposes a thinking of finite historicity, coinciding with nostalgia for locality. The coincidence of planetary technology and local habitation is the most profound contradiction of Nazism. Perhaps, Heidegger's error in 1933/34 can be expressed as the belief that one can solve this contradiction by choosing the historical against the planetary; surely one cannot avoid his error by reversing the values and defending the planetary against the local. In any case, for us, Heidegger's most important teaching is that we have to protect our distance from ideas, refuse to be “programmed” and “formatted” by them, and keep open the space of

questioning and reflection. In the lecture course “*Hegel. Rechtsphilosophie*”, Heidegger did not live up to this lesson. Let us, then, learn from his failure.

## Notes

- 1 My aim is to complete my study of Heidegger's confrontation with Hegel, the main parts of which have been published in my books *Heidegger contre Hegel. Les irréconciliables* (Paris: L'Harmattan, 2010) and *Entre Heidegger et Hegel. Écllosion et vie de l'être* (Paris: L'Harmattan, 2011). A longer version of the present article is forthcoming in French as “Penser avec Hegel. Le cas du cours de Heidegger sur la *Philosophie du droit* de Hegel en 1934/35”, in *Qu'appelle-t-on la pensée? Le philosophe heideggérien* edited by Christophe Perrin (Bucharest: ZETA Books, 2014).
- 2 Martin Heidegger, *Unterstufe: Hegel, “Philosophy of Right”*, winter semester 1934/35, Fribourg, with E. Wolf, in *GA 86 Seminare. Hegel—Schelling* (Frankfurt am Main: Vittorio Klostermann, 2011). This text is translated in the present volume. I will refer to GA 86, whose page numbers are also indicated in the translation.
- 3 The bibliography of the debate is vast. A history of the debate is presented by Dieter Thomä: “Heidegger und der Nationalsozialismus”, in *Heidegger Handbuch*, edited by Dieter Thomä (Stuttgart: Metzler, 2003), p. 159. Emmanuel Faye's book *Heidegger. L'introduction du nazisme dans la philosophie. Autour des séminaires inédits de 1933–1935* (Paris: PUF, 2005) set the debate aflame again. The unpublished documents used by Faye are now essentially published in GA 86.
- 4 The other one is “Über Wesen und Begriff von Natur, Geschichte und Staat”, published in *Heidegger und der Nationalsozialismus I. Dokumente*, edited by Alfred Denker & Holger Zaborowski in *Heidegger-Jahrbuch 4* (Freiburg/München: Verlag Karl Alber, 2010) pp. 53–88. See also in the same volume “Dokumente aus der Rektoratszeit”, pp. 13–52. This volume is accompanied by *Heidegger und der Nationalsozialismus II. Interpretationen*, edited by Alfred Denker & Holger Zaborowski in *Heidegger-Jahrbuch 5* (Freiburg/München: Verlag Karl Alber, 2010), in which one should see in particular the careful commentaries by Marion Heinz, “Volk und Führer. Untersuchungen zu Heidegger Seminar Über Wesen und Begriff von Nature, Geschichte und Staat (1933/34)” (pp. 55–77) and by Frans van Peperstraten, “Der Nazismus-Vorwurf: Wo wird das Denken zur Ideologie”, (pp. 281–297). See also Theodor Kisiel, “In the Middle of Heidegger's Three Concepts of the Political”, in *Heidegger and Practical Philosophy*, edited by François Raffoul and David Pettigrew (Albany: State University of New York Press, 2002), pp. 135–158.

- 5 Martin Heidegger, *Der Deutsche idealismus (Fichte, Schelling, Hegel) und die Philosophische Problemlage der Gegenwart*, GA 28 (Frankfurt am Main: Vittorio Klostermann, 1997), pp. 1–8; 231–232.
- 6 Heidegger, Martin, *Die Grundfrage der Philosophie* (Sommer Semester 1933, Friburg) in GA 36/37 *Sein und Wahrheit* (Frankfurt am Main: Vittorio Klostermann 2001), p. 14.
- 7 Carl Schmitt, *Staat, Bewegung, Volk, Die Dreigliederung der politischen Einheit*, (Hamburg: Hanseatische Verlagsanstalt, 1935 [First Ed. 1933]), p. 32.
- 8 Carl Schmitt, *Staat, Bewegung, Volk*, p. 12.
- 9 Carl Schmitt, *Staat, Bewegung, Volk*, pp. 42–45. Jean-François Kervégan shows in *Hegel, Carl Schmitt. La politique entre spéculation et positivité* (Paris: Presses Universitaires de France, 1992) that Schmitt did not defend a racial theory of identity before 1933, but that nothing prevented it, either, in his previous works (op. cit., pp. 42–43, 324–325). Bernhard Radloff shows in “Heidegger and Carl Schmitt I–II” that although Heidegger shares Schmitt’s critique of liberalism as founded on subjectivity and the question of the historicity of the political, Heidegger finally departs from Schmitt especially because he does not share Schmitt’s racist interpretation of the *Volk*—because Heidegger’s interpretation of the identity of the people is based on historicity. On the other hand, one must bear in mind that Schmitt’s work evolves with time, and it cannot be reduced to the open Nazism of *State, Movement, People*. Bernhard Radloff, “Heidegger and Carl Schmitt: The Historicity of the Political I”, in *Heidegger Studies*, 20 (Berlin: Duncker & Humblot, 2004), pp. 83–100; Bernhard Radloff, “Heidegger and Carl Schmitt: The Historicity of the Political II”, in *Heidegger Studies*, 21 (Berlin Duncker & Humblot, 2005), pp. 75–94.
- 10 As Theodor Kisiel says in his commentary of “On the Essence and Concept of Nature, History, and the State” from 1933–34, “This political (i.e. historically fateful) decision requires a clarification of the essential connection between the people and the state. Connecting the two constitutes the political education of the people, and introduction to its political being” (Kisiel, p. 145, see also note 4, p. 156.)
- 11 Cf. “True order can grow only when leader and the led a[re] tied together to a single destiny and when they fight for the realisation of a single idea” (Heidegger, “Über Wesen und Begriff von Nature, Geschichte und Staat”, p. 77).
- 12 Karl Marx, *Critique of Hegel’s “Philosophy of Right”*, translated by Annette Jolin and Joseph O’Malley; edited with an introduction and notes by Joseph O’Malley (Cambridge: Cambridge University Press, 2009), pp. 140–141.
- 13 Frans van Peperstraten has shown that although there is no systematic racism or antisemitism in Heidegger’s texts, in 1933–1934 Heidegger goes as far as to

support the ideology of *Blut und Boden*. But Heidegger does not legitimate racial selection, and after the war he describes the entire racial ideology as a consequence of the epoch of subjectivity, mastery and technique (Frans van Peperstraten, "Der Nazismus-Vorwurf: Wo wird das Denken zur Ideologie?", pp. 288–291, 294–295.) See also Domenico Losurdo's rich exposition of the intellectual climate of Nazi Germany in *Heidegger and the Ideology of War. Community, Death and the West* (New York: Humanity Books, 2001), pp. 128–130.

- 14 Heidegger, *Über Wesen und Begriff von Natur, Geschichte und Staat*, p. 82.
- 15 Peter Trawny, Heidegger und der Mythos der jüdischen Weltverschwörung.
- 16 Marion Heinz, "Volk und Führer", pp. 61, 70.
- 17 See e.g. Michel Haar, "The History of Being and Its Hegelian Model", in *Endings Questions of Memory in Hegel and Heidegger*, edited by Rebecca Comay and John McCumber (Evanston: Northwestern University Press, 1999).
- 18 G.W.F. Hegel, *Philosophy of Right*, translated by S.W. Dyde (Kitchener: Batoche Books, 2001). The paragraphs are treated explicitly in GA 86: 147–148, 165–168, 175, 605–607, 633–638, 651–655.
- 19 As in §256 Anm. See GA 86: 591.
- 20 GA 86: 586, cf. 633.
- 21 GA 86: 577–578. See also GA 86: 100–101, 131, 135.
- 22 GA 86: 598, 603. Cf. GA 86: 176, 179, 641–642, 646.
- 23 GA 86: 74–75, 102–103, 606.
- 24 GA 86: 74, 161.
- 25 GA 86: 608, 655. Heidegger expressed his interest in Schmitt's friend–enemy distinction in a letter dated August 22, 1933 and published in *Telos* 72 (1987), 132, but in the lecture from 1934/35 he tried to overcome it with a view to a more originary conception.
- 26 GA 86: 115, 121. Cf. "Das Volk ist das Seiende, dessen Sein der Staat ist" (Heidegger, *Über Wesen und Begriff von Natur, Geschichte und Staat, Heidegger-Jahrbuch* 4, p. 79).
- 27 Hegel, *Philosophy of Right*, §29, p. 46.
- 28 Hegel, *Philosophy of Right*, §268, p. 204, commented by Heidegger in GA 86, pp. 175, 595, 599.
- 29 GA 86: 608, cf. 172, 654.
- 30 GA 86: 65, 85, 120, 177.
- 31 See Hegel, *Philosophy of Right*, §258, note, 276–277.
- 32 See Hegel, *Philosophy of Right*, §209, note; §268, end of note; §270, note, 280.
- 33 Hegel, *Philosophy of Right*, §209, p. 169.
- 34 Hegel, *Philosophy of Right*, §258, p. 198.

35 Hegel, *Philosophy of Right*, §280, p. 229.

36 Hegel, *Philosophy of Right*, §279, p. 225; §279, p. 228. See the insightful analysis of Jean-Luc Nancy in “The Jurisdiction of the Hegelian Monarch” included in his *The Birth to Presence* (Stanford: Stanford University Press, 1993), pp. 110–143 and of Bernard Bourgeois, “La spéculation hégélienne”, which is a part of his *Études hégéliennes. Raison et décision* (Paris: PUF, 1992).

37 Hegel, *Philosophy of Right*, §280, p. 230.

# The Question of Political Existence: Hegel, Heidegger, Schmitt

Michael Marder

What to make of the seminar on G.W.F. Hegel's *Elements of the Philosophy of Right*, which Martin Heidegger gave in the winter semester of 1934–5 at the University of Freiburg? Considering the variety of subjects covered in the lecture notes and pointing well beyond Hegel's text at hand, not to mention the versions transcribed by Wilhelm Hallwachs and Siegfried Bröse who attended the sessions, the seminar lends itself to a number of thematic interpretations. It also furnishes ample evidence for the persistence of Nazi-inspired rhetoric in Heidegger's thought (above all, a certain endorsement of the *Führerprinzip*, or "the Leader principle") after his resignation from the post of rector at the same university on April 23, 1934.

Without dismissing the insights of other readings and, especially without denying the value of well-deserved criticisms addressed to the Hegel seminar, I intend to tease out from its shorthand propositions Heidegger's unique take on the political philosophy of his illustrious predecessor in that fateful period in European history. The obvious, if clearly precipitous, hermeneutical option is that Heidegger imputes totalitarian, authoritarian, and organicist tendencies to Hegelian dialectics. Quite shamefully, the argument continues, he puts Hegel in the service of Nazism, supplying a philosophical justification for the theories of state, power, and leadership that are redolent of this deplorable ideology.

It is feasible, however, to examine the 1934–5 seminar through the lens of Heidegger's philosophy, which allots to Hegel a specific spot in the vast project of the destruction (*Destruktion*) of Western metaphysics. Elsewhere, I have already outlined the logic behind Heidegger's take on Hegel's *Phenomenology* in a lecture course given in Freiburg just four years earlier, in the winter semester of 1930–1. The implicit backdrop for that engagement was a confrontation

with Edmund Husserl, who was accused of working out a relative phenomenology of beings, while Hegel's phenomenology of Spirit stood for the absolute phenomenology of being.<sup>1</sup> Heidegger did not endorse either an exclusive focus on beings or a purely metaphysical philosophy of being, opting out, as I've argued, for the in-between phenomenology of ontico-ontological difference.

Heidegger resorts to a similar strategy when it comes to political philosophy. In the seminar before us, he blames Hegel for treating the notion of truth "*ontologically* – but idealistically [*ontologisch – aber idealistisch*]" (§246, GA 86: 178).<sup>2</sup> So, who plays the role of the political Husserl to the Hegel of *Elements of the Philosophy of Right*? None other than Carl Schmitt, who is, on the contrary, guilty of being "far too extrinsic [*viel zu äußerlich*]," compared to Hegel's grasp of "originary essence [*ursprüngliche Wesen*]" (§38; GA 86: 73–4). Whereas political existence in Hegel is under the sway of the totality of Spirit freely willing itself, in Schmitt Heidegger finds the opposite conception, dependent on a relativizing struggle with the enemy other. In turn, the ex-rector insists on the ontico-ontological difference between Spirit's ontological totality (Hegel) and the ontic, haphazard formation of political oppositions (Schmitt). In this intermediate space, Heidegger carves a niche for political existence through a sustained "translation" of the philosophical categories he draws from *Being and Time*. In strictly existential terms, he suggests that political being is the work of collective care—an idea that may survive the historical context of its elaboration.

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Despite Hegel's purported disinterest in the ontic stratum of the beings themselves, Heidegger offers a rather sympathetic interpretation of dialectics, so long as it buttresses his own critique of metaphysics. For instance, on the subject of the "speculative definition of the state" as the "actuality of the ethical idea," Heidegger specifies that "*Actuality* ≠ the present-at-hand [*Wirklichkeit ≠ das Vorhandene*]" (§42; GA 86: 79). In other words, the categorial analytic of *Dasein*, which is appropriate for human dealings with the world of things, does not apply to the embodiment of the ethical idea in the state. This idea, instead, attains effective existence in the manner of *Dasein* itself, namely as a finite being-in-the-world of a people. With Hegel's assistance, Heidegger brings the personification of the state in a Platonic *makros anthrōpos* and a Hobbesian *magnus homo* to its logical extreme:<sup>3</sup> the state's purchase on being is not akin to that of a chair but to that of someone who sits upon and generally uses the chair in the mode of



everyday concern. Through the body of the state, Spirit gives itself existential actuality, political facticity, and, finally, freedom.

In colloquial terms, this conclusion means that the state is not identical to the institutions comprising it, let alone to a set of laws, no matter how basic. The excess of the political sphere over its easily identifiable constituents is existential, and it is in this vein that we should read Heidegger's notation, "The state 'is' – as *historical* being [*Sein*]" (§56; GA 86: 85). The sense of the word "is" differs from the meaning of the copula used in describing a state as, say, democratic or authoritarian. To ascribe particular qualities to a political entity prior to asking, "What is a state?" is to lapse into empty nominalism. Heidegger credits Hegel with having at least raised the question of the being of the state based on its "*location in the system*" where it is the apogee of Spirit's "absolute actuality [*absolute Wirklichkeit*]" (§71; GA 86: 99). But, as we have already learned, "actuality" has nothing to do with the ontology of the present-at-hand and everything to do with existence. Only in a crowd, in which the unity of collective existence has already split apart, do present-at-hand and occurrent [*Vorkommen*] modalities of being prevail (§220; GA 86: 168). Formally, if not semantically, the two statements "the crowd is" and "the state 'is'" are just as incommensurable as the assertions "the cup is" and "the child 'is.'"

It follows that, to the onto-political question "What is a state?" Hegel responds that it is the absolute existence (of the idea): absolute, because it is free from external determinations, fully corresponds to a fulfilled Spirit, and prevails over the ontic, or institutional, milieu of politics. That is why one should, under no circumstances, interpret Hegel's political philosophy as "a metaphysics of the bureaucratic state" (§57; GA 86: 85), whose ontic realities dictate the ontology of the political. Having said that, Heidegger alludes, without explicitly spelling them out, to two fundamental problems with Hegel's philosophy of right. The first is broadly applicable to Hegelian philosophy as a whole; the second narrowly pertains to the political dimension of dialectics.

1. The emphasis on the absolute befits a religious outlook, which calls for a "renunciation of being in knowledge and turning to the Absolute [. . .]" (§215; GA: 164). Heidegger passed exactly the same judgment on Hegel in the course on *Phenomenology of Spirit*, where the worst surfeits of metaphysics are said to annul the thinking of finitude and time itself: "... *the pure concept annuls time*. Hegelian philosophy expresses this disappearance of time by conceiving philosophy as *the science* or as absolute knowledge."<sup>4</sup> Beings are

dissolved in the ideality of being, in tandem with the transformation of onto-politics into an onto-theology. Indeed, ideality takes “precedence over the events [*Geschehenen*]” (§217; GA: 164), covering over the interpretation of political existence as historical (*geschichtliche*) being. In doing so, too, it annuls time.

2. A de-historicizing metaphysics, enamored with the absolute existence of the idea in and as the state, is forgetful not only of time but also of being. In the section on “Configuration of the State and Concept of the State,” Heidegger seems to chide Hegel with these words: “*State as being* of the people; being of care [*as Sein des Volkes; Sein der Sorge*]” (§49; GA 86: 82). The idea is not the people, regardless of how firmly it is rooted in something like the “national consciousness.” With respect to the being of an idea (or of the absolute), the absurdity of seeking the “being of care” is glaring. An idea does not exist in the same way as historical Dasein, even if *its* mode of being is also different from that of a cup or of a chair. In sum, Hegel lets inner essence overwhelm the very existence that makes it manifest and, therefore, deprives existence of what is properly existential in it. Along with time, he undermines finite being, first and foremost as it affects the political unfolding of Spirit.

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In the case of Schmitt, the problem, as Heidegger sees it, is the inverse of Hegel's metaphysical overindulgence. So much so that *either* the 1934-5 seminar includes references to Schmitt in order to counterbalance the ontological excesses of dialectical philosophy with the equally (or even more) unacceptable ontic exaggerations, *or*, more provocatively, it is intended as an extended argument in the polemic with Schmitt on the primacy of the political or the ontological. (For his part, Schmitt calls the “ontological-existential method of interpretation,” pioneered in *Being and Time*, *Kitschig-banal* and “ethical-characteristic.” And in the same set of notes collected in *Glossarium*, he refers to Heidegger as “my dear friend and my honored enemy.”<sup>5</sup>) After all, this latter hypothesis obtains for the 1930-1 course that discusses Hegel's phenomenology as a pretext for the critique of “current phenomenology,” practiced by Husserl and his disciples.<sup>6</sup> So, what are the grievances Heidegger files against Schmitt at the close of the seminar on *Elements of the Philosophy of Right*?

Unlike Hegel, Schmitt does not interrogate the meaning of the political under the general heading of the question concerning the meaning of being. “Political’

falls from the sky [*fällt vom Himmel*]” (§228; GA 86: 171), though this time “the sky” is not the rarified realm of metaphysics, but, to the contrary, the unexamined field of ontic presuppositions. Resorting to a phenomenological vocabulary put in the service of an *ontological reduction* (i.e., the reduction of beings to being, which does not dispense altogether with the actual beings), Heidegger implies that, when he postulated the friend–enemy distinction as fundamental for the political, Schmitt did not carry the questioning impulse far enough. Granted: Schmitt reduced the enemy to “a *being-other* [*Anderssein*]” (§235; GA 86: 174), but he did not acknowledge that a preoccupation with the threatening other emanates from the same ontological source as the solidarity binding together a community of friends. The common ground of being-other and being-same is care, *Sorge*, opening onto the existential-ontological field of the political. Even relations of opposition can be further reduced to the “*historical being-in-the-world* – as *self-willing* – [...] a willing-*with* and -*against* [*Mit- und Widerwollen*]” (§235; GA 86: 174). The friend and the enemy turn out to be two modalities in the existential orientation of Dasein’s being-in-the world.

The main lines of critique Heidegger launches against Schmitt are, therefore, as follows:

1. In contrast to Hegel’s absolutizing tendency, Schmitt relativizes “the political.” Based on the friend–enemy opposition, it is essentially a relation, a *relatum*, whose terms are insufficiently clarified. The enemy’s ontological designation as being-other has not been reduced to the structure of care, embracing the willing-with and -against others. The friends’ being-same has not been distilled to “their *ownmost* being [*ihres Eigensten Seins*],” their sharing the spirit of “self-determining historical Dasein” (§231; GA 86: 172). A community of friends, as much as a contention with enemies, is, in the first place, not factual but spiritual-existential: “*State* – spirit and *not* ‘society’ – no *factual commonality*” (§176; GA 86: 148). That, in Heidegger’s opinion, is precisely what Schmitt has overlooked in his derivation of a quasi-metaphysical principle from empirical politics.
2. As a consequence of his faulty method, Schmitt turns a blind eye to the being of the political, this time not thanks to extreme idealism but due to his inattention to the “‘*being*’ of the people [*‘Sein’ des Volkes*] – *in and for itself* – i.e. *historical Dasein*” (§243; GA 86: 177). His “extrinsic” (*äußerlich*) bias makes him believe that a community of friends is all the more united in the face of a shared threat emanating from the enemy other. Stated differently, Schmitt

does not permit the people to grow out of its innermost being, without recourse to the oppositional (and, hence, reactive) determination by a threatening other. "The political" in Schmitt does not involve the experience of historical Dasein, other than that inflicted by the enemies who do not belong to (yet, who constitute, from the outside) the history of this Dasein. Driven by a purely pragmatic and defensive logic of self-preservation, the friend-enemy relation is uncoupled from "that of true-false" (§243; GA 86: 177). The truth and falsity Heidegger has in mind here are neither propositional nor formal-logical but, rather, existential. Along with the positive and active "self-developing *self-assertion* [the term Heidegger used in his *Rectorship Address* less than two years prior to giving the Hegel seminar, MM]"<sup>7</sup> (§232; GA 86: 173), the truth as a truth of historical being, or of experience, is absent from Schmitt's theoretical scheme.

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The criticisms directed against Hegel and Schmitt converge around the disregard of both thinkers for existential political ontology, their ontological and ontic orientations notwithstanding. No doubt, Heidegger oversimplifies their conclusions in order to cement his alternative vision of political existence. Apropos the critique of Hegel: Were the absolute associated with a religious outlook, this association would have contradicted its encompassing nature. "Yet what is an absolute that stands on one side?" Heidegger asks elsewhere. "What kind of absolute stands on any side at all? Whatever it is it is not absolute."<sup>8</sup> The true absolute does not elevate being at the expense of beings; it reconstructs the ontic regions of the world from its all-sided standpoint. Reflecting on Hegel's method, Heidegger admits that the journey of Spirit necessitates making an absolute beginning, starting absolutely with the absolute, which "is other and so is *not absolute*, but relative. The not-absolute *is* not yet absolute."<sup>9</sup> This "not yet" restores dialectical temporality, albeit on the basis of Spirit's ideality. Instead of rejecting actual (political) existence, Hegel bestows upon it a rigorously ontological sense, compatible with the life of Spirit wherein beings are reborn.

The thesis that dialectical ontology is idealist is, likewise, a humdrum caricature, as Heidegger knew full well. The best testimony to the unfair nature of the charge that Hegel is an idealist is to be found in the opening paragraphs of the seminar on *Elements of the Philosophy of Right*. There, state-*qua*-will is listed in the same lineup as Spirit, world, and history that occupy the middle ground between (and against: *Wogegen*) "natural growth and divine arrangement"

(§6; GA 86: 60). The systemic place of Spirit, world, history, and the state coincides with the in-between character of existence, political and otherwise. The entire discussion of “state as organism” and of the “organic” in §§17–18 points in the direction of an existential interpretation of truth as being “a middle.” Nothing could be further from the ideality of truth than the coming-into-being of an organism’s “emergent constitution [*werdende Verfassung*]” (§17: GA 86: 64). Political existence, still not formalized in state structures and written legal documents, is this unstable emergence of a collectivity, which Heidegger rushes to identify with “the people.”

In his monumental *Verfassungslehre* (1928), translated under the title *Constitutional Theory*, Schmitt formulates the “absolute meaning” of the constitution that satisfies all the Heideggerian requirements for an existential truth. The constitution, in the words of the German jurist, is a living form or a “special type of political and social order [...] not detachable from [...] political existence”; moreover it is “the principle of the *dynamic emergence* of political unity, of the process of constantly renewed *formation* and *emergence* of this *unity* from a fundamental or ultimately effective *power* and *energy*.”<sup>10</sup> Obviously, there is not a hint of relativity in this *absolute* conception. The constitution dynamically evolves from the political existence of a group, whose unity is the product of its ownmost energy (we would do well to hear “effective *power* and *energy*” with an Aristotelian ear, accustomed to the ancient Greek word *energeia*). In the constitution, political existence puts itself to work. And, if this activation is not to stagnate in its outcomes, it must be “constantly renewed” by returning to the middle that is the existential truth in the making.

Rather than forget the being of the political, Schmitt paints an existential-phenomenological image of political ontology.<sup>11</sup> For him, the state *is* the constitution, in the absolute sense of the term. Compare this insight, together with the above citation from *Verfassungslehre*, to Heidegger’s commentary on Hegel, according to which “[t]he state only ‘has’ power because it ‘is’ power – and it ‘is’ power—because it ‘is’ spirit” (§251; GA 86: 180). The only difference between the two assertions is that, for Schmitt, the power and energy of the political stem from the vicissitudes of existence itself, while, according to Heidegger’s reading of Hegel, their ultimate source is the metaphysical reality of Spirit. Schmitt’s non-metaphysical political ontology, which has all the trappings of a “self-developing self-assertion,” is as attuned to existential realities and possibilities as that of Heidegger himself. If one conceives of “the political” in terms of “the *Dasein of the state* – that unity allowing the original constitution and disposition

to arise" (§241; GA 86: 176), then the absolute sense of the constitution as a "living form," or an order not detachable from political existence, is a perfect expression of this original unity.

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Heidegger's ontological approach to political existence seeks to avoid what he perceives as the pitfalls of the Hegelian absolutization of Spirit (as the highest self-relation) and the Schmittian relativization of the political (as the relation to the enemy other). Transposing the existential categories from *Being and Time* onto politics, he tends to understand the state as Dasein, dispersed in the mode of concern (*Besorge*), which marks its attitude toward friends and enemies (§158; GA 86: 139); thrown (*geworfen*) into a historical epoch (§159; GA 86: 139); and projecting itself in a "*knowing will – as freedom*" (§150; GA 86: 136). Assuming that the state is a kind of Dasein, with its characteristic way of being-in-the-world, it is at the same time relative and absolute, because each Dasein is the center of its world, albeit not of *the* world as such. That is the core of the fundamental political ontology Heidegger works out in the seminar: the positive finitude of the state lies "in a Dasein-based struggle with the beyng and beings of the fissure as tension [*der Zerklüftung als Spannung*]" (§173; GA 86: 146). The fissure between being and beings is another name for ontico-ontological difference, which discloses its political dimension as soon as it is thought of as a tension. This fissure, this space or spacing of existence, is prior to the friend–enemy distinction, on the one hand, and Spirit's self-negation, on the other.

The essence of the political is, therefore, its existence. More concretely—and here Heidegger makes a number of unforgivable slippages—it is the existence of the state as a historical being-in-the-world, which is, in its turn, personified in the singular existence of its leader: "*The essence of 'the state'. What or who? 'Leader state' [Führerstaat]*" (§81; GA 86: 103). "What or who?" is an echo of the so-called question of competence, which Schmitt registered in his study of sovereignty.<sup>12</sup> His definition of the sovereign as the one who decides on the exception is a response to this very query "Who or what decides?" In Heidegger's *Führerstaat*, however, it is not the exceptional moments that matter but the entire structure of political Dasein expressed in care. Thrownness and projection come to signify being-led and leading, or passivity and activity, respectively: "Bearing – (Thrownness) – and leading (understanding) [*Tragend – (Geworfenheit) – und Führend (Verstehen)*]" describe the organization (*Einrichtung*) of political existence (§206; GA 86: 161). If Dasein is a thrown projection, then, at the level of the

state, it stands for the relation between the leading and the led *within a single existential-political unit*.

Doesn't this conceptual translation contradict the fundamental ontology of *Being and Time*? After all, finite existence does not tolerate unification, seeing that a human Dasein fully coincides with itself only in the moment of its death. "The essence of the state" is, on the contrary, "unification [*Einigung*]" (§43; GA 86: 79–80), and the Dasein of the leader entails "the unification [*Vereinigung*] of powers," which, over and above their "heaping up," denotes their tracing back to the essential source of investiture (§36; GA 86: 73). We may easily deduce how Heidegger would have rebuffed this objection: unification, *Einigung* or *Vereinigung*, is not the same as unity, *Einheit*, since it presupposes a certain degree of dispersion in whatever (or whoever) it aims to unify. This is also the gist of the final sentence in Paragraph 36: "This unification [*Vereinigung*] as return to the origin does not exclude a 'separation' [*Teilung*]" – in the sense of an articulation – whereby the members also emerge in a new essence." Thrown projection is this articulated separation that strives toward, without ever attaining, the unity of existence.

Less charged with allusions to the Nazi idea of the state is another instance of unification, which Heidegger extracts from Hegel's *Elements of the Philosophy of Right*. The Hegelian state is a dialectical unity of substance and subject, of objective institutions and the political organism, or, in other words, of "the strictly political state and its constitution."<sup>13</sup> Heidegger subsumes these two moments under the structure of care "as being in the world," *die Sorge als In der Welt sein*, arguing that "[c]onstitution and disposition" are "each a distinct manner of appearing of the same one [*desselben Einen* – of unification [*Vereinigung*]" (§220; GA 86: 166–8).<sup>14</sup> An analysis of the unity of care, familiar to the readers of *Being and Time*, is presented on the heels of this affirmation of unification. Care is "a) world-being—*letting world, worlding*; b) being-in – steadfastness [*Inständigkeit*]" (§220; GA 86: 168). The project of worlding is the constitution, while the thrownness of being-in is the disposition, steadfastness, or the state as such ("the strictly political state" in Hegel's text). The state, *Staat*, perceived as an objective "disposition," is this status, a manner of standing, steadfastness—*Inständigkeit*—which literally means "standing-in-ness." Its passive appearance in the world has no future unless it is supplemented by an active self- and world-constituting capacity that renews (or refuses to renew) the status quo. The dyad of the leading and the led is secondary vis-à-vis the unification of constitution and disposition in political care.

The manner of standing, in Heidegger's philosophy, is equivalent to the manner of being: "*How it stands* [Wie es steht um] – the people – with the kind and manner of this being [*Seienden*]*—how it is* [Wie es ist]" (§53; GA 86: 84). The state is but an ontic reflection of the ontological standing, which includes the "worlding" decision to assume this or that stance, ontically made apparent in the constitution. Its political existence is unthinkable in the absence of a phenomenological orientation, governing its manner of standing throughout its lifetime. This orientation toward friends and against enemies, Heidegger hints, is what Schmitt has chanced upon without identifying it as "an essential *consequence* [*Wesensfolge*] of the political" (§235; GA 86: 173) and, therefore, without reducing a key ontic feature of actual politics to its source in existential-phenomenological political ontology.

A straightforward translation of the vocabulary from *Being and Time* is, nevertheless, impossible. In Heidegger's magnum opus, the meaning of being was time, that is, the finitude of existence. Is that also the meaning of political being? Not exactly. "*State as beyng of the people. Certainly – but what does beyng mean? Beyng and fissure* [*Zerklüftung*] (conflict [*Widerstreit*] and *polemos*)" (§114; GA 86: 115). The word "fissure," *Zerklüftung*, will resurface later on in the seminar (cf. §173; GA 86: 146–7) in the capacity of a marker of ontico-ontological difference adapted for politics. It will remain associated with "Dasein-based" struggle. But in this passage, "fissure" refers to the meaning of being, no longer as a simple tension but as "conflict and *polemos*," and, hence, as the political division *par excellence*. Which is to say that there is no such thing as the universal meaning of being, given that the difference between being and beings is on some occasions called "time," on others overlaps with Dasein, and, still in other instances, goes under the name *polemos*, itself intimately linked (*via* Heraclitus) to the Hegelian negativity and the Schmittian friend–enemy relation. Is ontology fundamental, or is the political? Schmitt might have had good reasons for noting in *Glossarium*, "*Macht ist Sein; Sein ist Macht* [power is being; being is power]." <sup>15</sup>

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Once we situate Heidegger's perspective on the political within his overall philosophical project, everything that is promising and everything that is pernicious (if not downright appalling) in the 1934–5 enunciation of political existence comes to the fore. Especially scandalous is the incarnation of this existence in the leader, with all its repercussion for the "applications" of thrownness, projection, and the structure of care. But the good news is that neither



*Führerprinzip* nor *Führerstaat* is the *necessary* upshot of existential political ontology. If the state, as a dynamic unity of constitution and disposition, is an example of political Dasein, then the emergent existential framework does not in the least require that power be personified. On the positive side, Heidegger hones the theoretical tools for analyzing collective existence in the sense of being-in and “worlding” the world. Extending the term “historical Dasein” even to such entities as the state and the people, he repeats the philosophical gesture of Thomas Hobbes, who considered the Leviathan to be a “mortal god.” Highlighting the fissure of existence at the heart of political ontology, he forestalls—perhaps despite himself—the absolute closure of totalitarianism. We are yet to assess the significance of applying ontico-ontological difference and other aspects of Dasein-analysis to the question of political existence. The work is cut out for us, and if it is to come to fruition in a robust post-metaphysical thinking of the political, we must be exceptionally patient as we separate the wheat from the chaff in the course of reading the seminars Heidegger gave in the 1930s.

## Notes

- 1 Cf. “The Phenomenology of Ontico-Ontological Difference,” *Bulletin d'Analyse Phénoménologique*, 8(2), 2012, pp. 1–20. Refer, also, to chapter 2 in my *Phenomena—Critique—Logos: The Project of Critical Phenomenology* (London: Rowman & Littlefield, 2014).
- 2 All references to the seminar included in this collection are made in the body of the text. Martin Heidegger, *Seminare: Hegel—Schelling*, GA 86, ed. Peter Trawny (2011). “GA” refers to Heidegger, *Gesamtausgabe* (Frankfurt-am-Main: Vittorio Klostermann). For the sake of convenience, I also include the number of the paragraph, into which Heidegger’s notes are divided.
- 3 These conceptions are criticized in Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, translated by George Schwab and Erna Hilfstein (Chicago: The University of Chicago Press, 2008), pp. 18ff.
- 4 Martin Heidegger, *Hegel’s Phenomenology of Spirit*, translated by Parvis Emad and Kenneth Maly (Bloomington and Indianapolis: Indiana University Press, 1988), p. 12.
- 5 Carl Schmitt, *Glossarium: Aufzeichnungen der Jahre 1947–1951*, edited by E. Freiherr von Medem (Berlin: Duncker & Humblot, 1991), pp. 109–10, 263.
- 6 Heidegger, *Hegel’s Phenomenology of Spirit*, pp. 23–4, 28.

- 7 See also Richard Polt's contribution to the present volume.
- 8 Martin Heidegger, "Hegel's Concept of Experience," in *Off the Beaten Track*, translated and edited by Julian Young and Kenneth Heynes (Cambridge: Cambridge University Press, 2002), p. 101.
- 9 Heidegger, *Hegel's Phenomenology of Spirit*, p. 33.
- 10 Carl Schmitt, *Constitutional Theory*, translated by J. Seitzer (Durham and London: Duke University Press, 2008), pp. 60–1.
- 11 This is the main line of argument in my *Groundless Existence: The Political Ontology of Carl Schmitt* (New York and London: Continuum, 2010).
- 12 Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab (London and Cambridge: MIT Press, 1985).
- 13 G.W.F. Hegel, *Hegel's Philosophy of Right*, translated by T.M. Knox (Oxford: Oxford University Press, 1967), p. 163.
- 14 When Emmanuel Faye [*Heidegger: The Introduction of Nazism into Philosophy*, translated by Michael B. Smith (New Haven, CT: Yale University Press, 2009)] writes that Heidegger "abandons the properly Hegelian question of the reconciliation of the individual and the universal, retaining only the identification of the state with absolute power and the spirit of the people" (228), we cannot help but wonder whether the author of these lines is commenting on the same materials that are at our disposal. Certainly, "the reconciliation of the individual and the universal" is a part of the philosophical discourse, to which Heidegger does not subscribe, though he does reconcile the "self-willing of the individual" and "the will of the state," willing "the being [*Seins*] of the individual in the people" (§220). But what about his critique of the absolute, not to mention his insistence on the historicity and finitude of the people and of the state? Where is the (admittedly elusive) ontico-ontological difference in this "identification"? And how is the existential conception of politics squared with trying to ensure "the very long-term durability of the Nazi state" (203)?
- 15 Schmitt, *Glossarium*, p. 242.

# Politics and Ontological Difference in Heidegger

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## I

Heidegger's political thought, and particularly his relationship to National Socialism, has been the object of many academic works. Historians, such as Hugo Ott, have shown how deep and enthusiastic Heidegger's commitment to "the national revolution" was, notably in the period when he occupied the post of rector in Freiburg during 1933–34. Needless to say, this research gave rise to many works relating Heidegger and Nazism. Historical and biographical research was later supplemented by that of the "philosophical" variety, also trying to detect elements of Nazism in Heidegger's thought. Among these works is Emmanuel Faye's book *Heidegger: the Introduction of Nazism in Philosophy*, first published in France in 2005 and presenting its case based on two of Heidegger's unpublished seminars. The first, from which only students' protocols survived and which was held during the winter semester of 1933–34, was dedicated to the essence and the concepts of nature, history and state. The second, held in the winter semester of 1934–35 and published for the first time in the English translation, was dedicated to Hegel's concept of the state.

Faye argues that Heidegger's philosophy is intrinsically Nazi and has its value not as philosophical work but only as a document of Nazi methods and ways of thinking. However, for someone even superficially familiar with Heidegger's writings during the Nazi period, Faye's analysis reveals something closer to a judicial and inquisitorial process than to a philosophical inquiry. Indeed, Faye presents certain facts while omitting others, makes unfounded speculative suggestions, offers manipulative interpretations, and does whatever it takes in order to sustain his argument.<sup>1</sup> The two seminars mentioned by Faye have been meanwhile published and, now, translated into English. Together with other

already published material, such as Heidegger's texts and lectures of those times, his speeches as rector, or his seminars and notes on Ernst Jünger's work, such as the book *The Worker* (1932), they give us the possibility of reconstructing Heidegger's thinking of the political from a very solid perspective.

The first thing we have to keep in mind while trying to reflect on Heidegger's political thought is that Heidegger is not a "political thinker" and that he talks about politics from the perspective of philosophy, i.e. ontology. Published in 1927, Heidegger's most important book, *Being and Time*, is the first step toward fundamental ontology, beginning with the "preparatory analysis" of the being that holds being itself in question. This being, namely Dasein, had to be revealed in its ontological structures, and its analysis had to be carried out only in order to uncover these structures. However, as Heidegger explicitly says in his last Marburg lectures, in 1928, fundamental ontology should turn to meta-ontological research, and Dasein's regional analysis, undertaken in the ontic domain, should complement the preparatory investigations. At this point, Heidegger mentions, the question of ethics (and also the question of politics) emerges.

The mention of ethics here means that Dasein-analysis in *Being and Time* does not have enough resources to develop political thought in a sufficient way. But it also means that, in this book, it should be possible to discover the preliminary formulation of political topics that can be developed only at the meta-ontological level. To uncover these topics is the first task of someone who tries to understand Heidegger's political thought. The second task is to show how these topics can and do contribute to understanding Heidegger's thoughts on politics in their complexity, both during the 1920s and during the National Socialist period.

## II

In *Being and Time*, there are three topics related to Dasein's fundamental ontological analysis that have a bearing on the political. The first political topic that one can find in *Being and Time* is the discussion of the "they" (*das Man*). In "everydayness", first and foremost (*zunächst und zumeist*), we are completely indistinct from the others. Behaving like everyone is, on average, expected to behave and saying whatever public opinion mandates, we are not properly or authentically ourselves. We *are* the others. "This being-with-one-another," Heidegger puts it, "dissolves one's own Dasein completely into the kind of being

of the others.”<sup>2</sup> *Being and Time* anticipates the ontological consequences of Dasein’s not being, for the most part, authentically itself. Among these consequences, there are surely some political implications.

If being the “they” is being indifferent and equal to everyone else, saying what everybody says, and comfortably reproducing society’s common opinions, then Dasein’s everydayness means losing one’s authentic self. It signifies Dasein’s immersion in the public sphere (*Öffentlichkeit*) that absolves us of responsibility and of the weight of being itself. Distraction or dispersion (*Zerstreuung*), Heidegger argues, is the inner dynamic that causes Dasein to lose itself and to become the “they.” If the distraction of the public sphere is the basis for Dasein’s selfless existence, then it is important to consider the kind of society to which it is related. This society is a modern one and it is based on the social contract, formed by radically equal and indistinct individuals, who are not bound to one another in any other way.

We find the second political dimension of Heidegger’s analysis of Dasein in §74 of *Being and Time*. There, Heidegger makes a connection between Dasein’s authentic existence and Dasein’s resolution (*Entschlossenheit*) for being itself, for assuming a heritage and a tradition, a belonging to a community and its shared destiny (*Geschick*). Community, Heidegger argues, means precisely this common destiny. By belonging to it, Dasein is confronted with its “authentic existence” and assumes itself as a finite being that is essentially, in its ontological constitution, a being-with (*Mitsein*). While everydayness was to be characterized by inauthenticity and alienated mediocrity, making each Dasein indistinct from the others and founding a society of indifferent individuals, resolution is the basis of Dasein’s authenticity and of a community rooted in common destiny and history, the community of Dasein’s people or its generation.

Finally, the third political topic in *Being and Time* is hidden in the brief characterization of the fundamental *modi* (the authentic and the inauthentic) of Dasein’s being-with. This characterization appears in the context of Heidegger’s presentation of care (*Sorge*) as the fundamental structure of Dasein. If Dasein is being-with, then care points immediately to a taking care of others, to a concern or solicitude (*Fürsorge*) towards them. In order to allude to the two extreme possibilities of solicitude, Heidegger mentions the attitudes, which we could call political, inasmuch as they designate two fundamental comportments towards the others. “With regard to its positive modes,” Heidegger writes, “concern has two extreme possibilities. It can, so to speak, take the other’s ‘care’ away from him and put itself in his place in taking care; it can *leap in* for him. Concern takes

over what is to be taken care for the other. [...] In this concern, the other can become one who is dependent and dominated, even if this domination is a tacit one and remains hidden from him.”<sup>23</sup> Inauthentic care for the other means, thus, the domination of the other, even if this domination is not taken as such. Dasein's inauthentic concern about others intends to represent them, to substitute and release them from their responsibility for being itself.

Therefore, while inauthentic being-with consists in unburdening the other of the weight of his or her existence, authentic existence derives its meaning from a diametrically opposed attitude. Instead of representing the others by being in their stand, being authentically with others means to help them to assume their existence. In other words, one does not jump in the place of the other (*einspringen*) but, on the contrary, places oneself in front of the other (*vorausspringen*) as an example and an appeal. The allusion to these two attitudes as the paradigm of authentic and inauthentic existence points, of course, to a kind of political life. Indeed, only in the shared life that is inconceivable in an individualistic society will authentic existence be possible. The ontological constitution of Dasein as being-with invokes a conception of political life characterized by Dasein's resolution to assume its finitude and situation, which is far from the idea that society is a social contract whose aim is only to guarantee the life and freedom of autonomous individuals.

### III

The first topic I have mentioned—the critique of the “they” in its everydayness—is the starting point of Heidegger's approach to politics. Heidegger rejects modernity's conception of society as a social contract between equal and autonomous individuals, the society for which the state would only be the mean to preserve the life, rights, and freedom of individuals. In the nineteenth century, Hegel criticized Rousseau's notion of the social contract precisely inasmuch as it converted the state into something instrumental for the individuals. According to Hegel, individual life, family and society have their “truth” in the political unity of the state, and the state is the dialectical resolution of conflicts and the place where individuals and society find their true actuality (reality as *Wirklichkeit* and not mere *Realität*).

Heidegger puts himself politically under the aegis of Hegel. He rejects liberalism by undersigning Hegel's refusal to see society as a contract and the state as

an instrument subordinated to individual will. In the political seminar held during the winter semester of 1933–34, Heidegger explicitly mentions Rousseau's idea of the social contract as something to be left behind due to its individualism. "Rousseau," Heidegger argues, "believed that the state is only a *contrat social* based on the desires and well-being of each individual. This state would not be a state in the political sense, as a fundamental character of Western man living on philosophy, but a subordinated means, an association whose end and scope would be the development of personality, in a liberal sense, a realm among other realms."<sup>4</sup>

Heidegger's identification with Hegel's position became completely clear one year later, when he held another seminar, dedicated to politics and included in this volume. This seminar, held during the winter semester of 1934–35, at the same time as his first lectures on Hölderlin, was devoted to Hegel's conception of the state and philosophy of law. There, Heidegger argued that Rousseau established the concept of "general will" only as a restrictive concept vis-à-vis the individual will.<sup>5</sup> "General will" spells out negativity: the negation of individual will's unlimited freedom in order to give an individual access to society. According to Heidegger, when Hegel defines the state as the "actuality of concrete freedom" (*die Wirklichkeit der konkreten Freiheit*),<sup>6</sup> he overcomes the negativity of Rousseau's "general will" and conceives the state (*Mas tenho dúvidas*) not as a restriction of individual freedom, but as the result of a dialectical movement, in which the absolute character of individual freedom is negated in order to find its actuality. The state appears as the actuality of individual freedom, an actuality that requires the negation of the merely abstract and absolute character of individual freedom. Heidegger sees in this negation the "fundamental overcoming of liberalism."<sup>7</sup>

The second topic I have mentioned in my brief allusion to *Being and Time* concerns an alternative to the modern individualistic political society of the *contrat social*. Heidegger discusses the existence of Dasein based on tradition and determined by Dasein's resolution to assume its finite and impotent essence, i.e., its belonging to the "superpower of Being." Dasein's authentic existence as finitude and "impotence" (*Ohnmacht*) before Being's superpower (*Übermacht*) seems to be the contrary of a liberal existence. Therefore, if liberal politics was based on the idea that society was a contract and that individual life and freedom constituted the supreme value and scope of this contract, it seems that an alternative politics should be a collectivist structure, in which the individual appears as having a lower value than the community of the people.

The substitution of an individual human being by the people as a supreme value is precisely the most fundamental principle of Nazi ideology. We can read, for instance, in Otto Dietrich, who, in 1935, published the *Philosophical Principles of National Socialism*, very unambiguous passages on this subject: "In his world, we find man not as an individual, but as a member of a community. In every one of his actions, man is a collective being, and only so can he be considered."<sup>8</sup> The extreme nationalism of National Socialism was the direct inversion of individualistic liberalism. If liberalism elevated individual life and freedom to the supreme values of politics, attributing to the state the status of an instrument geared to individual's protection, National Socialism was its direct inversion. For the Nazis, the individual was a simple instrument in the hands of the movement that was supposed to express the will and the destiny of the German people. The supreme value was the people itself, and the individual had its value only as a member of the people.

Regarding the contrast between liberal individualism and Nazi collectivism, it seems, *prima facie*, that Heidegger situated himself as a severe critic of the former political position and as a defender of the latter one. However, in his Freiburg lectures and seminars, given at the beginning of the Nazi era, Heidegger explicitly denies this interpretation. He repeatedly rejects the possibility of considering the people or the race a supreme value, and argues that to accord to the people or the race the status of a supreme value would not essentially differ from the liberal attitude of raising the individual to this rank. Both actions would place one being—namely, the human being—in the place of Being, thus forgetting the ontological difference between Being and beings. In this context, Heidegger dares to affirm on many occasions (not only in private seminars, but also in public lectures) something that, seemingly absurd and shocking at first sight, characterizes his peculiar political approach. He affirms that "biologism," ethno-centered thinking (*völkisches Denken*), and racial valorization would be nothing but possible variations of the liberal way of thinking. Liberalism designates in general, for Heidegger, a way of thinking that forgets Dasein's belonging to Being and situates the human being (i.e., human freedom and autonomy) at the top of an ontological hierarchy. From this point of view, ethnocentric nationalism or racism is only the collective version of this essentially liberal forgetting of Being.

Thus, to understand Heidegger's political thought one has to begin by the rejection of the people (or the race) as a value, or as apex of ontological hierarchy. This is his most original and basic political position. And this position



immediately shows that, far from being in line with Nazi thought, Heidegger seeks to find a political path that would overcome both liberalism and National Socialism. For Heidegger, this requires grasping the common essence that liberalism and National Socialism share. As strange as it may sound, from Heidegger's perspective, that common essence is humanism. Both ideologies were ways of putting the human being, either as an individual or as a collective, at the summit of beings, placing it as the supreme value that occupies the void left behind by the forgotten Being.

#### IV

The basis of Heidegger's criticism, directed against the establishment of the people as a supreme value by National Socialism, lies in the notion that this establishment corresponds to a negative dialectical movement. Here, the position that was affirmed in the first place, namely the strictly liberal position that takes the individual as a supreme value and subordinates the collective to the individual, is immediately inverted by its antithesis or contraposition. According to Heidegger, the "turn" whereby an individual human being is replaced by the people as the supreme value occurs under the same fundamental conditions. This "turn" follows the same movement as that which occurred in the history of the first beginning of Western thought. Nietzsche ends this history (of metaphysics) by inverting Platonic dualism. However, putting Platonism upside down and becoming "faithful to Earth," he places Earth at the top of the inverted ontological hierarchy, thus maintaining the hierarchical and dualist structure that constituted the very metaphysical basis of Platonism.

Presenting this "turn" in the political realm in his seminar of the winter semester of 1933–34, Heidegger speaks of a politics dominated by the dualist structure that separates the governed beings in general from a supreme being that appears as the government and sovereign power. For Heidegger, monarchical absolutism gave sovereignty or absolute power to the state in the figure of the prince who was the state's personification and representative of the people. Negating and opposing monarchical absolutism, revolution and democracy signaled the prince's replacement by the people as the highest being. Thus, democracy inverted the hierarchy of the prince and the people by bestowing sovereignty on the people, while maintaining the very same dualist metaphysical structure that constituted the common essence to both absolutism and

democracy. "We have here," Heidegger argues, "the domination that does not recognize anything above it—sovereignty, where supreme power is the essence and expression of the state. From this point, where the state, as a supreme power, belongs only to one or to a few, we explain the tendency to pass sovereignty on to the other partner, the people, which takes us to the other extreme."<sup>9</sup> As democracy operates on the same basis as monarchical absolutism, turning monarchical power upside down while maintaining the dualist structure of sovereignty, Nazi collectivism belongs to the same essence as liberal individualism, which it inverts and puts the people in the place of the person of the sovereign.

Unlike Nazi ideology, Heidegger's thought stands in sharp contrast to liberalism not by inverting its individualism, but by moving forward into another beginning of thinking. In this "other beginning," the dualist structure of metaphysics would be left behind and another politics would be able to emerge. Thus, if the intrinsic dualism of metaphysics was politically expressed in the hierarchical difference between sovereign power and those it governed, the "other beginning" of politics would be based on another difference, namely the ontological difference between Being (*Sein*) and beings (*Seiendes*). Understanding the human as Dasein would require precisely alluding to this difference, to our essential belonging to Being. Opposing explicitly the Nazi nationalist ideology and the idea that the German people and the German blood constitute the highest values, Heidegger affirms that "the people" is to be conceived in its essence neither as an absolute being nor as a supreme value, but as something whose very essence is in its belonging to Being, in its Da-sein. "*It is only from Da-sein that what is ownmost to a people can be grasped*," Heidegger argues, "and that means at the same time knowing that the people can never be the goal and purpose and that such an opinion is only a 'popular' extension of the 'liberal' thought of the 'I' and of the economic idea of the preservation of 'life.'"<sup>10</sup>

## V

Heidegger's rejection of the Nazi ethnocentric worldview does not happen, however, through a rejection of the emerging Nazi regime. Quite on the contrary, strange as it may sound, Heidegger makes an effort to establish an interpretation of National Socialism's fundamental meaning as the overcoming of an ethnocentric

thought. In order to do so, Heidegger refers especially to the interpretation of Ernst Jünger's essays *The Total Mobilization* (1930) and *The Worker* (1932).

During the 1930s, Jünger talked about a new relationship between human beings and the world, and, in this context, about a new meaning of work. For Jünger, the consequences of the First World War had shown that a new and post-humanist world was emerging. Liberal and Marxist thought understood human being as the fundamental value and the center of all human activities. According to them, work implies a transformation of the world in order to place it at the behest of humans, rendering it more and more comfortable and livable. However, for Jünger, the tragedy of the World War had shown that the essence of the world's transformation through work did not put it at the service of human freedom and security. Far from having human being as its goal, Jünger argued, work consisted essentially in the unstoppable development of an automatic process of dominating the world. In this process, humanity increased its power only by placing itself at the service of the world's mobilization through work. By doing so, the human became the "worker." The worker, therefore, is not an individual anymore, but the singular actualization of the form of the worker (*Gestalt des Arbeiters*). In a world more and more determined by the "total character of the work" (*totaler Arbeitscharakter*), humans become workers in their essence, that is to say, they become the expression of the world's increasing domination through work.

Jünger baptizes the increasing domination of the world through work, the world's "total mobilization", with the term coined by Nietzsche: the "will to power." The Nietzschean "will to power" is not the human will, but an automatic and endless will for increasing power. Work, in its turn, is the expression of this "will to power," an elemental force that does not belong to humans, but rather appropriates and mobilizes them. Human freedom resides not in extricating ourselves from "total mobilization" but in belonging to the elemental force that constitutes our essence as workers and in taking part in it. The more a human being becomes "the worker," the more he or she becomes free and empowered. It is precisely our belonging to the form of the worker that interests Heidegger most. For Heidegger, too, the human is no longer a substance, which could be considered either as an individual or as a collective subject, but a relationship, a belonging to a mobilizing process that appropriates us.

In his adhesion to National Socialism, Heidegger clearly tries to interpret the Nazi movement from the standpoint of Jünger's notion of the work, which also entails an explicit refusal of ethnocentric politics and biologist racism. In 1933,

the references to Jünger's conception of the worker are constant in Heidegger's texts. In his rectorship address of May 1933 titled "The Self-Assertion of the German University," alluding to Plato's *Republic* without mentioning it, Heidegger exhorts the students to lend themselves to three essential services: the labor service, the military service, and the knowledge service. These services exhort those who join them to assume the impotent and finite essence of *Dasein*, as well as its belonging and exposure to the "superpower" of Being. In his address as a rector, Heidegger speaks about the service (especially, at the university—the knowledge service) as an appeal to the students to assume their finitude and deliver themselves to a belonging: their belonging to the superpower of science. Science should mean for students the mobilizing elemental force, to which they should deliver themselves, assuming, as Jünger's workers, their belonging to the superpower of Being.

After his inaugural address, Heidegger gave another speech before a student audience in Freiburg under the title "The German Student as Worker." In it, Heidegger insisted on the idea that work did not mean the exposure of the world to human domination, regardless of the consideration of human being as an individual or a collective substance, but the belonging of humans, as a finite essence, to a world, a will, and a mobilizing process that comes over them as a "superpower." As Heidegger put it: "Man places himself, as worker, before the whole of Being. [...] Work displaces the people and articulates it with the field of action of all the powers of Being. The articulation that appears in work and as the work of ethnic existence [*völkisches Dasein*] is the state. The National Socialist state is the state of work."<sup>11</sup>

It is mostly in his seminars on Jünger's *The Worker* that Heidegger explicitly rejected ethnocentric thought as a way of thinking that proceeds from liberal individualism, i.e. a way of thinking that is based on subjectivity and that places the world before the "subject" as an object to be dominated. "Human being," Heidegger states, "is not less of a subject, but becomes it more essentially when it is conceived as a nation, a people, a race, as a self-established humanity. Particularly, we should note that racial thinking becomes also and especially possible on the basis of subjectivity."<sup>12</sup> "The subject," Heidegger adds, "can also be a people, a 'nation' that establishes its own vital interests and its 'patterns' [...]. The subject can also be the humankind of the whole planet, a new race. Race: a purely subjective concept."<sup>13</sup> Based on Jünger, Heidegger unequivocally rejects ethnic- and race-centered thought. He appropriates Jünger's description of the human as worker precisely in order to reject the nationalist establishment

of the people as the center of beings, or the racist establishment of the race as the highest value. It is by doing so that he characterizes the nationalist and racist worldview as the extreme possibilities of the modern metaphysics of the subject and, therefore, of liberalism.

Nevertheless, if Heidegger takes Jünger as the basis for the development of his political thought, in the search for an alternative politics that would not rely on the liberal social contract and on the ethnic- and race-centered society, this does not mean that he does not depart from Jünger and starts to see his concept of the worker in a more distant and critical way. Jünger's thought largely depends on Nietzsche. And one might say that, according to Heidegger, Jünger should be placed side-by-side with Nietzsche, occupying the same metaphysical position. Nietzsche symbolizes the reversal of Platonism, inverting its dualism while remaining committed to the dualist structure of metaphysics. According to Heidegger, Jünger, in line with Nietzsche, rejects both liberal individualism and nationalist and racist collectivism, but remains bound to their common essence (the metaphysics of subjectivity) insofar as he puts the worker in the place of a sovereign subject as the mobilizing force of the totality of beings. By doing so, Jünger still dwells in the dualist metaphysical scheme of subordinating the totality of beings to an absolute sovereign being whose mobilizing power occupies the place left empty by Being.

## VI

In Nietzsche's concept of the "will to power" Jünger finds the key to thinking about the elemental force as the basis of the world increasingly mobilized by the "total character of the work." For Jünger, the metaphysical place of absolute Being is occupied not by the human being, individually or collectively conceived, but by the elemental dynamic of the will to power. This is why, in line with Nietzsche, Jünger represents for Heidegger the completeness and the inversion of Western metaphysics. "In the form of the worker," Heidegger argues, "human subjectivity completes itself as unconditional and reaches its planetary expansion."<sup>14</sup>

The dialogue with Jünger's metaphysics of the worker allows Heidegger to open the way to a political criticism that extends beyond the rejection of biologism and ethnocentric thinking: it paves the way to thinking politics beyond the structures of domination and sovereignty. With Jünger, Heidegger rejects the establishment

of human being, both in the form of the individual and in the form of the people, as the absolute being and supreme value. However, against Jünger, Heidegger's aim is not only to displace human beings from the status of absolute being, but also to leave behind a metaphysical structure that is based on the relationship between the absolute sovereign subject and the world mobilized by it.

When it came to politics, Heidegger's appropriation of Jünger's worker was the basis for his rejection of the Nazi proposal to see in the people the ultimate absolute being. In fact, Nazi ideologues, such as Alfred Rosenberg, identified the people as the supreme value, proclaiming that the state was only a political instrument at the service of the people. "The state," Rosenberg argues, "is not the goal anymore, but only a means to the preservation of the people."<sup>15</sup> Nazi jurists, such as Otto Koellreutter, condemned the Hegelian legacy of putting the state above society and the people, and of seeing in it the ground for people's unity.<sup>16</sup> Based on Jünger's thought, Heidegger, in his turn, appropriated Hegel's conception of the state as the basis for the political existence of the people. However, by assuming Hegel's political legacy, Heidegger did not want to transform the state into the absolute being as an alternative to the people. Far from seeking to attribute to the state the status of an absolute subject, Heidegger tried to leave behind a way of thinking based on sovereign absolute being, whatever it may be. Neither the people nor the state should occupy the place of Being. In his seminar on Hegel, therefore, Heidegger's focus was on finding a way to think the political and the state without defining them as absolute subjects. In this context, Heidegger found in Carl Schmitt's concept of the political and the state the much-needed interlocutor.

In the first sentence of *The Concept of the Political*, Schmitt states one of his most famous concise formulations: "The concept of the state presupposes the concept of the political."<sup>17</sup> By "the political" Schmitt understands a specific intensity of relation where enemies and friends can be distinguished and public conflicts between enemies are possible. Although thinkers, such as Georg Jellinek, identified the political with the state, Schmitt argues that the possibility of public conflict precedes the state form and is, therefore, irreducible to it. This is why the political is a relationship, rather than a sphere of reality, while every sphere of human activity, including ethics, economy, aesthetics, or religion, can forge political relations as long as it determines, from its own point of view, how friends and enemies become distinct from each other.

Accepting Hegel's legacy, Schmitt sees in the state the basis of political unity. This means that, for Schmitt, the state should monopolize the political. This,

however, should be so not because the state is identical to the political, but because the politicization of the other dimensions of reality results in increased political conflicts. For example, if a war were not a strictly political war, but a religious or an ethical conflict in which the enemy would be considered an infidel or an evil criminal who menaces the whole humankind, then political conflict, Schmitt argues, would certainly have become very close to a total war. Only the appropriation of the political by the state—only the state's capacity to neutralize ethical and religious conflicts—is able to maintain conflicts in an acceptable intensity without canceling their possibility.

Schmitt's double approach to the political places him, in Heidegger's view, in the same category as Jünger. On the one hand, Schmitt alludes to the independence of the political in regard to the state. By doing so, Schmitt's thinking departs from the representation of the state as the absolute being or a supreme value. Also, just as Heidegger stresses that Jünger's reflections on the worker reject the establishment of the people, as well as the individual human being, as the supreme value, so he also finds in Schmitt's concept of the political a basis for rejecting a vision of the state as an absolute subject. On the other hand, although Schmitt rejects the coincidence of the "statal" and the "political", he argues that the state should monopolize the political and politically neutralize spheres of reality such as ethics and religion. By so doing, Schmitt remains committed to the idea that the state should exercise the role of an absolute being, just as much as Jünger was caught up in the metaphysics of the subject.

According to Heidegger, although Jünger no longer attributed absolute being to human individuals or to the people, he maintained a metaphysical way of thinking, according to the subject, in the guise of the Nietzschean will to power, the status of the absolute. In line with Jünger, appealing for the autonomy of the political, Schmitt did not see the state as an absolute being anymore. However, although he rendered the political independent of the state, he did maintain a metaphysical way of thinking that made the representation of an absolute being necessary. This is why he could not help but to defend the state's monopoly on the political. From this argument, Heidegger's necessary conclusion follows: "Carl Schmitt thinks liberally."<sup>18</sup>

For Heidegger, it is important not only to grasp that neither the people nor the state could take the role of an absolute being, but also to move away from a political thinking based on this absolute being's sovereign power. Indeed, the German thinker tries to depart from this sovereign power by stating that the core of politics was not to be seen as one sovereign and omnipotent substance,

but as a relationship, the relationship already present in the concept of Dasein. If the Nazis tried to think of the people as the supreme value, and if Schmitt's Weberian tradition endeavors to locate in the state an undisputed power for neutralizing conflicts and pacifying society, Heidegger sees the core of the political neither in the people nor in the state, but in the relationship between the people and the state. Dasein is grounded in the ontological difference between Being and beings. Politically, ontological difference should be expressed both by the inexistence of an entity with absolute and sovereign power, and by the mutual belonging of the two entities, whose composition gives birth to the political relationship.

At the ontic level, political relations are based on the existence of the people as the realm where political relations occur and Dasein's being-with can emerge. The people is not an absolute being, insofar as it finds its being not in itself, but in the state. In other words, the people exists politically through the state and the state is, therefore, the people's Being. According to Heidegger, politics is what follows from the immediate relationship between the people and its state. And this relationship is what could be called the political dimension of ontological difference.

The relationship between the people and the state is thus the very relationship between beings and the Being through which these beings exist.<sup>19</sup> Heidegger is unambiguous on the association between ontological difference and the political relationship people–state. "The people," Heidegger argues in his 1933–34 seminar, "being, has a very determined relationship with its Being, the state. We have to think about how these relationships people–state and being–Being are essentially connected."<sup>20</sup> It is true that Heidegger does not develop what could follow from an understanding of politics based on ontological difference. The project of an alternative politics based on the meta-ontological use of fundamental ontology remains unfulfilled. Nevertheless, despite this unfulfilled promise of an alternative politics, there are some conclusions that we can extract from Heidegger's political approach. I would like to identify two main features, both negative and positive, that characterize Heidegger's political thinking.

First, Heidegger rejects race- and ethno-centric thinking. Establishing race as a supreme value and the people as an absolute being would only be, as Heidegger put it, a nationalist extension of the liberal way of thinking. The people (or the race) could not be the axis that political community rotates on. After this negative approach, if one looks for a positive one, Heidegger attempts to think a political community, in which the modern concept of representation would be



tendentiously superfluous. Political representation corresponded to what Heidegger, in *Being and Time*, had described as the inauthentic care of the other, who was thereby released from the urgency of being him- or herself. Politics based on ontological difference stems from the notion that each and every one must assume his or her belonging to the community, taking over its tradition as a heritage and participating as someone responsible for the people in its state. Dasein is constituted by the appeal of Being to be authentic, as well as by the possibility of being oblivious vis-à-vis this appeal. Politically, the people are constituted by the state's appeal to assume its responsibility. As Heidegger put it, the people shall love its state as its Being, and each community member shall cultivate this erotic relation towards it.<sup>21</sup>

Second, criticizing Schmitt's notion of the political as an absolute substance, Heidegger points to the people-state relationship in what could be called "political ontological difference." The kernel of the political is not in its essence the friend-enemy distinction, for only the people-state political ontological difference may constitute the basis, upon which other relations, such as that of friends and enemies, could appear. From an ontic perspective, the relationship between the state and the people seems to adopt a Hegelian attitude vis-à-vis the state. As I have already stated, the state was, for Hegel, the "truth" of society. Hegel established the state as the dialectical moment where individual freedom and social dynamics achieved their concrete existence. The absolute freedom present in a stateless existence or in the "state of nature" would be nothing but an abstraction with neither actuality nor truth. In line with Hegel, for Heidegger, only in the state would individuals and the people be free.

Establishing the people as an absolute being, Nazi authors, such as Alfred Rosenberg, openly rejected the Hegelian concept of the state (or, for that matter of "the total state") as an authority over the people and advocated for the movement (the Nazi Party) to be its direct expression.<sup>22</sup> In this anti-Hegelian environment, in a book where he tries to interpret the basic principles of the Nazi state, Schmitt affirms that, on January 30, 1933, when Hitler came to power, "Hegel died."<sup>23</sup> And it is without mentioning Schmitt, but in an explicit reference to this remark, that Heidegger chimes in on Hegel's side and affirms precisely the opposite: "On 30. I. 33 'Hegel died' – no! he had not yet 'lived'! – there he has first come *alive*."<sup>24</sup> It is perhaps this comment that most adequately expresses what Heidegger considered to be the political alternative to liberal society. This will have been a society characterized not only by an appeal to participation and the responsibility of each one of its members, but also by the authority of a state

considered not as the servant but as the dialectical “truth” of political parties or movements and divergent social interests.

## Notes

- 1 In 2005, I published a review of Faye's book in Portuguese, pointing out what I took as his most notable insufficiencies and misleading interpretations. Cf. *Revista Filosófica de Coimbra*, 28, 2005, pp. 419–425.
- 2 Martin Heidegger, *Being and Time*, translated by Joan Stambaugh (Albany, NY: SUNY Press, 1996), p. 119.
- 3 Heidegger, *Being and Time*, p. 114.
- 4 Martin Heidegger, “Über Wesen und Begriff von Natur, Geschichte und Staat”, in *Heidegger und der Nationalsozialismus: Dokumente. Heidegger-Jahrbuch*, 4, edited by Alfred Denker and Holger Zaborowski (Freiburg/München: Karl Alber, 2009), p. 79.
- 5 Martin Heidegger, “Hegel Rechtsphilosophie”, in *Seminare Hegel—Schelling*, GA 86, ed. Peter Trawny (Frankfurt am Main: Vittorio Klostermann, 2011), p. 166.
- 6 Hegel, *Grundlinien der Philosophie des Rechts*, §260.
- 7 Heidegger, “Hegel Rechtsphilosophie”, p. 167.
- 8 Otto Dietrich, *Die philosophischen Grundlagen des Nationalsozialismus* (Berlin: Ferdinand Hirt, 1935), p. 16.
- 9 Martin Heidegger, “Über Wesen und Begriff von Natur, Geschichte und Staat”, p. 84.
- 10 Martin Heidegger, *Contributions to Philosophy (on Enowing)*, translated by Parvis Emad and Kenneth Maly (Bloomington and Indianapolis: Indiana University Press, 1999), p. 224. In the quoted text, it is important to note that the German adjective here translated as “popular” is *völkisch*, a word that was a part of the Nazi vocabulary and that meant “ethno-centric” more than “popular”. Here Heidegger affirms that ethnocentric thinking (*völkisches Denken*) or ethnocentric worldview (*völkische Weltanschauung*) would be liberal in its essence, since it was nothing but an extension of liberal thought.
- 11 Martin Heidegger, “Der deutsche Student als Arbeiter”, in *Reden und andere Zeugnisse eines Lebensweges*. GA 16, edited by Hermann Heidegger (Frankfurt: Vittorio Klostermann, 2000), pp. 205–206.
- 12 Martin Heidegger, *Zu Ernst Jünger*. GA 90, edited by Peter Trawny (Frankfurt: Vittorio Klostermann, 2004), p. 38.
- 13 Heidegger, *Zu Ernst Jünger*, p. 67.
- 14 Heidegger, *Zu Ernst Jünger*, p. 42.

- 15 Alfred Rosenberg, *Der Mythos des 20. Jahrhunderts* (München: Hoheneichen-Verlag, 1933), p. 526
- 16 Cf. Otto Koellreutter, *Volk und Staat in der Weltanschauung des Nationalsozialismus* (Berlin: Pan-Verlagsgesellschaft, 1935), p. 11.
- 17 Carl Schmitt, *The Concept of the Political*, translated by George Schwab (Chicago and London: The University of Chicago Press, 2007), p. 19.
- 18 Martin Heidegger, "Hegel Rechtsphilosophie", op. cit., p. 174.
- 19 Cf. Martin Heidegger, "Über Wesen und Begriff von Natur, Geschichte und Staat", pp. 74–75 and also Martin Heidegger, "Die gegenwärtige Lage und die künftige Aufgabe der deutschen Philosophie", *Reden und andere Zeugnisse eines Lebensweges*, p. 333.
- 20 Heidegger, "Über Wesen und Begriff von Natur, Geschichte und Staat", p. 74.
- 21 Heidegger, "Über Wesen und Begriff von Natur, Geschichte und Staat", p. 76.
- 22 Cf., for example, the article that Alfred Rosenberg published in the *Völkischer Beobachter*, the official Nazi Party newspaper, on January 30, 1934, the first anniversary of Hitler's arrival into power: Alfred Rosenberg, "Totaler Staat?", in *Gestaltung der Idee: Blut und Ehre II* (München: Zentralverlag der NSDAP, 1936).
- 23 Cf. Carl Schmitt, *Staat, Bewegung, Volk* (Hamburg: Hanseatische Verlagsanstalt, 1933), p. 32.
- 24 Heidegger, "Hegel Rechtsphilosophie", p. 85.

## Self-Assertion as Founding

Richard Polt

Is Heidegger's seminar on the *Philosophy of Right* simply a piece of Nazi ideology? The seminar certainly explores the relevance of Hegel to Hitler's Germany, and Heidegger is clearly attracted to a right-Hegelian point of view: he emphasizes Hegel's critique of a liberalism divorced from community and history (e.g. GA 86: 150, 605, 650).<sup>1</sup> The connection to Heidegger's National Socialist allegiance is obvious. However, we cannot simply consider the text a Nazification of Hegel (or a Hegelianized Nazism), for Heidegger takes an open-ended and exploratory approach, particularly in his notes. The Hegel seminar is considerably less doctrinaire than the seminar on "Nature, History, and State" one year earlier.<sup>2</sup> Heidegger takes Hegel as the occasion for rethinking the phenomena of people and state, but it is rarely clear where Heidegger himself stands on the most important philosophical issues. His main goal seems to be to persuade his students that (contrary to American pragmatism, he says) books and thoughts do matter, even in revolutionary times (GA 86: 95, 109–110, 155). Let there be no doubt that the Heidegger teaching this seminar is a Nazi—but what that means is still indefinite for Heidegger himself. He is interested in exploring the deeper meaning and potential of this revolution whose significance is still unclear.

The seminar, then, cannot simply be reduced to some unambiguous ideological position, so that we could conclude that "the aim of [Heidegger's] teaching is not philosophical, but political."<sup>3</sup> While we must not naively forget the political context, we should also acknowledge that the seminar considers some genuine philosophical questions, and that Heidegger's ruminations on these questions play a part in the evolution of his thought—an evolution that would eventually lead him to criticize major metaphysical underpinnings of Nazi ideology.<sup>4</sup>

Among the many philosophical issues at stake, I will concentrate here on self-assertion and founding. These two phenomena are closely linked: when

a people asserts itself, or decides who it is, it founds a state that establishes or consolidates a world, unifying the people's way of life. Heidegger clearly believed that the National Socialist revolution might turn out to be such a self-assertion for the German people. But what raises the seminar above mere cheerleading for a regime is reflection on the meaning of these phenomena. This reflection is carried out historically, on the way from modern conceptions of self-assertion and founding to what we can label, for the sake of convenience, post-modern ones. As he works through Hegel's theory of the state, Heidegger appropriates certain aspects of the Hegelian account of political autonomy and self-consciousness while working toward a post-modern understanding of the self. This new account of selfhood will involve a new interpretation of founding—not only in the political sense, but as a facet of how being itself takes place finitely and “abyssally,” riven by “fissure.” The Hegel seminar is thus one of the incubators for Heidegger's private writings of the late 1930s, where he will meditate extensively on selfhood and inception.

### Heidegger's confrontation with Hegel

Hegel is one of several focal points in the complex and tumultuous development of Heidegger's thought after *Being and Time*. Heidegger's reflections on the Western metaphysical tradition usually portray that tradition as beginning with Plato and ending with Hegel or Nietzsche. This tradition consists of repeated attempts to grasp beings as such and as a whole, without sufficient meditation on what enables humans to have a relation to being itself in the first place. In some thinkers before Plato or after Hegel, Heidegger glimpses potential elements of an alternative to the metaphysical tradition. In the pre-metaphysical thought of Heraclitus, Anaximander, or Parmenides we can witness an encounter with the power of truth and being—yet because the pre-Socratics were unable to ask about the *source* of truth and being, they could not prevent philosophy from degenerating into a series of metaphysical positions. After Hegel, Kierkegaard and Nietzsche make abortive efforts to shake loose from metaphysics. Heidegger's lectures on Nietzsche begin as positive attempts to adopt some Nietzschean insights, but he concludes by the 1940s that Nietzsche failed to break free from the tradition, ending only in a reversed Platonism.<sup>5</sup> This diagnosis of Nietzsche (and of the “one-sided” Nietzscheanism of Ernst Jünger<sup>6</sup>) is obviously a factor in Heidegger's growing distance from mainstream Nazi ideology.

Heidegger finds the most promising hints of a non-metaphysical relation to being, truth, and history in Hegel's contemporary Hölderlin. Heidegger clung for years—perhaps for the rest of his life—to the notion of an “inner truth and greatness” of National Socialism,<sup>7</sup> but this is a Hölderlinian “truth” that seeks clues to a common destiny not in biology but in poetry; recognizes the difficulty of establishing a free relation to the national; and insists that a people's identity needs to remain a question rather than a given.<sup>8</sup>

In the *Contributions to Philosophy* of 1936–38 and subsequent private texts, Heidegger draws on this Hölderlinian inspiration to venture an “other inception,” an alternative to metaphysics. The *Contributions* seek the source of our relation to being and truth in *das Ereignis*, or “the event of grounding the ‘there’”; this “there” would constitute the domain of selfhood for a historical people.<sup>9</sup> Evidently, the questions of founding and self-assertion are central to Heidegger's attempt at non-metaphysical thinking.

Within this broader context, we find several confrontations with Hegel. They include a 1927 seminar on Aristotle and Hegel (in GA 86); a lecture course on the *Phenomenology of Spirit* (GA 32, 1930–31);<sup>10</sup> a course that aspired to a confrontation with Hegel but only had time for some telling remarks (“The Fundamental Question of Philosophy,” in *Sein und Wahrheit*, GA 36/37, 1933–34);<sup>11</sup> the 1934–35 seminar we are considering; a series of notes on negativity from 1938–39 and 1941 (in *Hegel*, GA 68); a 1942 discussion of the introduction to the *Phenomenology* (in GA 68); a two-semester seminar on the *Phenomenology* from 1942–43 (in GA 86); and two late seminars from 1955–56 and 1956–57 on logic and thinking in Hegel (in GA 86).

The point of these efforts is an *Auseinandersetzung*, a dialogical struggle that will illuminate differences. Such a confrontation has to learn from the other's insights and appropriate them whenever possible—so we often find Heidegger giving sympathetic interpretations of Hegel, or experimenting with adapting some Hegelian thoughts for his own purposes. This makes his position somewhat ambiguous; for instance, when he asserts, against Carl Schmitt, that when National Socialism came to power, Hegel did not die but first came to life (GA 86: 85, 606), is this praise of Nazism? Is it praise of Hegel? Or, does it suggest some reservations about them both? Be this as it may, we should not lose sight of the fact that ultimately, Heidegger is not interested in any neo-Hegelian revival (GA 86: 85); he wishes to distinguish himself from Hegel as part of his project of overcoming the metaphysical tradition.

The crux of the Hegel–Heidegger confrontation is the question of *finitude* (GA 32: 55). Hegel claims to attain an in-finite or absolute standpoint, a point of view from which all partial standpoints are exposed in their limited truth and subsumed in a systematic whole. Hegel denies that he imposes the absolute on the finite; the finite standpoints themselves imply a dialectical process that points to their supersession in the absolute. Heidegger, however, asserts that Hegel presupposes his conclusions—as all philosophers do (GA 32: 43). Even in the examination of sense-certainty that begins the *Phenomenology*, Hegel has already assumed that “we” are absolute knowers (GA 32: 66). This means that “we have already left aside our own, in the sense of what is humanly relative” (GA 32: 71).

In contrast, Heidegger adopts a resolutely finite stance, and wishes to carry out the “difficult” demonstration that “the absolute position cannot be an absolute position” (GA 86: 587). The title of *Being and Time*, he says, implies that philosophy is not a “science” that aims at a system of timelessly correct propositions, but rather an effort of historically situated, finite human beings (GA 32: 18, 143). Time empowers concepts, not vice versa (GA 32: 144). This means that every philosophy is *einmalig*: it is a singular effort that happens only once, and this singularity is precisely what allows it to be retrieved creatively in a singular confrontation (GA 32: 105). Since humans are radically finite, and being is revealed only for and in human temporality, being itself is finite (GA 32: 56, 145). Being is “single, simple, singular” (GA 32: 60) as a finite donation to finite humanity. All this is a rebellion against eternity, understood as “equal to itself – calm – present – sated with the past – futureless essence!” (GA 86: 117).

The effect of embracing a finite standpoint is to give philosophy historical traction and restore a sense of urgency to it, says Rector Heidegger in late 1933. In contrast to the Greek inception, where thinking was experienced as an urgent need calling for decision, Hegel’s philosophy illustrates the dying out of urgency and the reduction of truth to a hollow system—the “empty eternity of the decisionless” (GA 36/37, 77). To know, for Hegel, is not to venture into the future, but only “to ‘cognize’ dispassionately the already *enacted* reconciliation” (GA 86: 117).

Our own identity is at stake here: if we are not infinite spirits but ineluctably finite, then we are faced with the question “Who are we?” as a historical decision.<sup>12</sup> Philosophy, like all our activities, attempts to come to grips with the destiny of a particular community and tends to move this community in the direction of some uncertain future. Without finitude, there is no *destiny* proper,

no heritage that inspires a venture into the unknown. Such a venture draws a line between who we are and who we are not, so it is necessarily polemical; in fact, it requires an understanding of being itself as *polemos* (GA 86: 115). And on the practical level, says Heidegger in one of his most disturbing statements, *polemos* may require the invention and relentless persecution of internal enemies of the *Volk*.<sup>13</sup>

The intended political import of Heidegger's anti-Hegelian stance is not difficult to see. If we are ineluctably finite, and the very meaning of "we" is a matter that must be decided by a particular group on the basis of its unique historical situation, then politics cannot be founded on trans-historical principles such as human rights or on rationally constructed theories of the social contract; politics has to be based on "our own" (GA 32: 71)—the particular heritage and vocation of a group, which must struggle against anything and anyone that threatens its communal destiny. Thus, Heidegger asserts that the notion of universal, rational norms is the root of the politics that he opposes.<sup>14</sup>

As I have noted, Heidegger's confrontation with Hegel is not reducible to some Nazi dogma. We should not simply assume that an embrace of finitude necessarily leads to dictatorship and persecution, or that the only way to resist such politics is through a revival of Hegelian rationalism. But as we look more closely at the seminar on the *Philosophy of Right*, we should be aware that in Heidegger's confrontation with Hegel, the political stakes are high.

## Self-assertion

In May 1933, Heidegger chose to frame his rectorate as a sign of "The Self-Assertion [*Selbstbehauptung*] of the German University." The academy was to find its role in the new German order by affirming its identity and fulfilling its own essence—not in isolation from the larger nation, but as a place for "knowledge service" that would harmonize with "labor service" and "military service" to empower the German spirit.<sup>15</sup> By doing its own, to use the Platonic phrase (*Republic* 433b), the university would help the community as a whole do its own.

These themes resonate not just with Plato, but also with crucial elements of German idealism. For Kant and his successors, freedom as self-positing is a necessary presupposition of all coherent thought and action. Politics is then guided by the demand to make this freedom practically possible and actual in a way that harmonizes the self-positing of individuals with the self-positing of



collectives. The state and law exist so that the human spirit may be able to assert itself, both in private and in public.

Accordingly, as Heidegger puts it in his notes, Hegel fulfills the project of Rousseau, Kant, and Fichte by establishing the free will—the ability to assert and posit oneself—as the principle and ground of the state (GA 86: 595). The state is “the proof of the ethical, highest freedom of man” (GA 86: 639). The *Philosophy of Right* is thus essentially concerned with “*freedom as self-standing and sovereignty*” (GA 86: 60). I translate *Selbständigkeit* very literally as “self-standing” because the usual translations (independence, autonomy, self-sufficiency) can carry unwelcome connotations. *Selbständigkeit* means taking a stand or stance of one's own, but for Hegel and Heidegger, this by no means excludes reliance on a larger community that provides one with physical maintenance, legal protection, and cultural norms. “One's own” is to be harmonized with the collective selfhood of one's people. Thus, according to Hegel, “In duty the individual acquires his substantive freedom.”<sup>16</sup> On a smaller scale, Heidegger comments that it is *echt hegelisch* (quintessentially Hegelian) to assert that a woman can become self-standing by getting married (GA 86: 578n5).

Heidegger elucidates the Hegelian concept of sovereignty in terms of the Greek concepts of *eleutheria* and *autonomia* as characteristics of the city, the all-important center of communal life:

This drive to the center in the essence of the *polis* was announced externally by the protective and defiant wall, as a delimitation against the external world as its original and natural enemy. This clarifies the important role of *eleutheria* as independence with regard to the outside and *autonomia* as inner self-standing in every alliance agreement ... The comprehensive unity of *eleutheria* and *autonomia* constitutes the essence of the *polis* and can be summed up as: *self-assertion*. [GA 86: 654–5]

Because the individual's self-assertion must be harmonized with the self-assertion of the political whole, Hegel's is not a purely negative conception of freedom, but is freedom made rational through responsibility. For Hegel, the individual citizen cannot assert himself in a rationally satisfactory way unless he also recognizes the others' rights to self-assertion within an overarching system of law. This principle of recognition ensures that freedom does not devolve into caprice. Heidegger's commentary, as we might expect, emphasizes freedom as duty rather than liberty: “Every essential commitment and recognition is a necessity, an ethical compulsion, but at the same time the highest

freedom" (GA 86: 641). As Heidegger puts it in his 1933–34 lectures on Plato, "Freedom, to be free, means to bind oneself to what makes one free."<sup>17</sup>

Mutual free commitment and self-assertion constitute the freedom of a community—"the simultaneous, common, and self-standing being of many. *Many* are self-standing only when they let each other *count as valid* [*gelten*], or recognize each other" (GA 86: 578). "I am in the right [or I exist in a system of law: *ich bin im Recht*] when I am *recognized*" (GA 86: 584). Against the liberal conception of freedom as the liberty of the individual as such, the Hegelian conception takes freedom as a feature of "the individual who wills himself as he is linked to the others in recognition. Thus there is freedom only where there is the simultaneous and common self-standing of many" (GA 86: 650).

The phenomena of mutual recognition and mutual self-assertion are prior to the friend–enemy dynamic that Schmitt took as the essence of the political. Enmity must be understood as a form of "*not-recognizing* [*Nicht-anerkennen*] . . . dis-qualifying of the mightiness of being [*Ab-erkennen der Seinsmächtigkeit*]" (GA 86: 174).<sup>18</sup> Likewise, "only on the basis of the *self-assertion* of the historical Dasein of a people does the political *appear* as the friend–enemy relation" (GA 86: 655). "There are friends and enemies only where there is self-assertion . . . . Because the state is this self-assertion of the historical being of a people *and* because one can call the state the *polis*, consequently the political shows itself as the friend–enemy relation; but this relation is not = *the* political" (GA 86: 609). We must note that Heidegger is not questioning the validity of the distinction between friend and enemy, but he is denying that the very nature of a community can be understood solely in these terms.

So far, Heidegger's reflections are recognizably Hegelian, but he hints at his reservations by commenting that Hegel operates with "a concept of the freedom of the will of practical reason" (GA 86: 60). Freedom and self-assertion cannot ultimately be understood in terms of rational will. Instead, we need concepts developed in *Being and Time* such as "care" and "being-with," which describe the pre-voluntary, pre-rational domain within which recognition and denial of recognition can occur (GA 86: 174).

Since care is fundamentally an engagement in the question of *who* we are, Faye makes a basic error when he characterizes Heidegger's concept of self-assertion as the "perfectly trivial" view "that the affirmation of existence is primary and that it is on that basis that the struggle for life ensues."<sup>19</sup> Heideggerian self-assertion is not a Darwinian struggle for survival, but a decision regarding the purpose and meaning of one's being.

This is not to deny that such a decision involves conflict and battle. Lest we forget that being-with is polemical, Heidegger writes: “*Why is there right [Recht]? Because being recognized – | because struggle for recognition – and this because self-standing – i.e. freedom – and this because historical Dasein of the human – πόλεμος*” (GA 86: 135). To expand on these jottings: a community must risk self-definition—decide who “we” are—by deciding between alternatives that can never be calculated rationally. We must draw a line between who belongs and who does not. Universal concepts of humanity and its faculties contribute nothing to this act of self-assertion. Thus, while the friend–enemy relation is not the essence of the political, it seems to be implied immediately by that essence.

## Founding

One of the distinctive characteristics of the Nazi system was the absolute dictatorship of the leader. There is no separation of governmental powers, but the *Führer's* will is supposed to rule unimpeded and supreme. Heidegger, at this time, sees this as a feature that is full of potential: “The unification of powers in the Dasein of the leader [*Führer*] is not a mere coupling and heaping up (quantitative), but rather in itself already the starting point [*Beginn*] of the development of an originally new – but still undeveloped – inception [*Anfang*]” (GA 86: 73). There is a founding at work in the revolution that goes deeper than a mere seizure of power.

The distinction between beginning and inception recurs in some notes on the “constitution of the National Socialist state,” where Heidegger distinguishes several dimensions of founding:

1. its [the constitution's] starting point
2. its inception
3. its ground
4. its origin [*Ur-sprung*]
5. “starting point” always if genuine—new
6. anticipatory going forth: production in advance
7. Advance effect of the inception and origin and thus *grounding*! [GA 86: 74–75].

The main point here is that the chronological beginning of a process, its “starting point,” is not necessarily an “inception” in the Heideggerian sense.

As he writes in his first Hölderlin lectures, “The starting point is left behind as soon as it occurs, it disappears as the happening progresses. But the inception, the origin, is first manifested in the happening, and is fully there only at the end” (GA 39: 3–4).

Is this a Hegelian thought? It is certainly reminiscent of Hegel’s view that the truth of a movement (whether this movement be political, economic, philosophical, religious, or artistic) is not found in its initial, simple principles but in the developed “idea” as fully manifest and explicit (GA 86: 602). Only in retrospect can we understand the meaning of a movement.

However, the radicality of *decision* distinguishes Heideggerian inception from Hegel. Heidegger emphasizes the importance of a free act of founding. The act is not arbitrary, nor is it the spontaneity of a self-sufficient, autonomous subject, since as we saw, Heidegger insists that freedom requires binding oneself to some liberating power. But there is an element of creativity in the way in which we take up this binding and commit ourselves to originating a new order. Creative decisiveness opens a new world and makes “inception” possible.

Heidegger’s fascination with political creativity can be seen in a telling insertion that he added to a student’s summary of his 1933–34 seminar on “nature, history, and state”:

Every leader *is* a leader; he must be a leader in accordance with the marked form of his Being; and he understands, considers, and brings about [*erwirkt*] what people and state are, in the living development of his own essence.<sup>20</sup>

The word *erwirkt* was penciled in by Heidegger; clearly he considered it essential. The born *Führer* does not just find political reality, but makes it.

Creativity cannot play a comparable role in Hegel. There is certainly room in Hegel’s thought for freedom, creation, and personality—in fact, these elements are essential to the subjectivity without which spirit could not live at all. But for Hegel, “the person enshrines the actuality of the concept”:<sup>21</sup> the creative individual finds his freedom in helping to actualize a rationally intelligible potential. The founder of a state, for example, is great only if he finds a way to resolve the insufficiencies of existing orders and embody a more rational order in the institutions of a government. From a Hegelian perspective, Heidegger’s exaltation of a creative inception is a Romantic self-abandonment, a celebration of the arbitrary and irrational.

The difference between Hegel and Heidegger on this issue brings us back to the central point of contention in their confrontation: finitude. For Hegel, the

efforts of a particular statesman or of any individual gain their true significance only in light of absolute knowing, which reviews the internal logic of a development and comprehends what the actor could only obscurely glimpse. For Heidegger, no such absolute standpoint is available. This means that the ineluctable element of risk in political action, as in every human venture, cannot be transcended or softened, either now or later. The daring actor enables the birth of a new sphere of truth, a new kind of finite unconcealment, that can never be gainsaid in retrospect. This is a truth inevitably shadowed by ignorance, subject to the urgency of a particular time: "the leadership relationship . . . is *historical* and, as such, has its movement – revelation and concealment – instant" (GA 86: 169). This is a truth that embodies *polemos* and danger (GA 86: 177).

In this connection we can read Heidegger's distinction between two kinds of political philosophy. "A philosophy 'about' ['über'] the state – suspicious – awakens mistrust – rightly so . . . . But *where an actual philosopher* – compels to decisions – there – mistrust – reluctance – resistance – *struggle* – and actual effectiveness [or effecting, *Erwirkung*] of spirit" (GA 86: 116). To some extent, as Heidegger knows, Hegel would agree that philosophy cannot stand "over" the politics that it judges. For Hegel, this is the case because the philosopher can only recognize the rationality embodied in existing states. But Heidegger still sees this as an untenably superior attitude, an attitude that presumes to look back and look down on what has been without being threatened by "the difficult becoming of a dark future."<sup>22</sup> Instead of rising above this temporal chiaroscuro, thought is supposed to engage in it.

Philosophy, then, is part of the self-assertion and self-founding of a people—and if philosophers may actually be the hidden leaders of a people, then philosophy can participate vitally and creatively in this founding movement. Heidegger asks in some ruminations on Schmitt, "How is the precedence of leadership as such to be grounded? What does grounding mean here? *Self-founding* [*Selbstbegründung*]? . . . As grounding back [*Rückgründung*] into the people, and that is a grounding ahead [*Vorgründung*] into its historical sending" (GA 86: 170). Who can carry out this grounding that reaches back into heritage and forward into destiny? Who can initiate the inception? The statesman, insofar as he is a born leader; the poet, insofar as he discerns the deeper themes in a people's world; but perhaps above all the philosopher, who can articulate the very being of the people and the state.

Because philosophy is finite—because it remains and must remain implicated in historical contingencies, drawing on a heritage for the sake of some possibility—one can argue that, for Heidegger, philosophy becomes a form of action.<sup>23</sup>

We should not be distracted by his defiant declaration that his seminars are “useless”: “Heidegger! Is that the one the students don’t learn anything from?” . . . This would be the very best definition of my teaching activity. Here you’ll learn nothing, *practically speaking!*” (GA 86: 559–60). Even though thinking yields no immediate solutions, its deeper effects in the long run can be profound: “In sixty years, our state will certainly not be led by the *Führer* anymore; but what happens *then* is up to us. *This* is why we must philosophize” (GA 86: 560).<sup>24</sup>

## Toward post-modern selfhood and founding

These glimpses may be enough to confirm that the 1934–35 seminar blends Heidegger with Hegel, and Nazism with the Hegelian state—but the blend is far from smooth, and the questions are at least as numerous as the answers. Heidegger combines his semi-sympathetic appropriation of Hegel with indications of a new, post-modern outlook that will decisively choose the finite over the infinite. Here we can only mention a few facets of this new outlook in connection with the questions of self-assertion and founding.

In the Hegel seminar, Heidegger experiments with the word *Zerklüftung* (fissuring or fissure) in connection with *polemos* (GA 86: 115) and finitude (GA 86: 162). The term connotes a rupture in being itself, a wound that cannot heal; it embraces the Hegelian themes of alienation and opposition without promising any final reconciliation. The *Contributions to Philosophy* pursue fissuring further as a way to preserve the “uniqueness and estrangement of being [Seyn]” (GA 65: 315). Fissuring offers an alternative to the traditional metaphysical concepts of possibility, actuality, and necessity (GA 65: §127, §§156–9). The fissure is supposed to involve new, more deeply historical phenomena such as urgency, mastery, and singularity. Urgency or emergency (*Not*) is the root of necessity (*Notwendigkeit*), Heidegger insists (GA 65: 45, 97).

The dimensions of the fissure are sprung open by a “leap” that opens an abyss where being-there (*Da-sein*) is to be grounded (GA 65: 9). The decisive “that” of the event of being-there is also “the *birth of being*” itself.<sup>25</sup> Thus, a groundless ground—a basis or inception that foregoes any metaphysical necessity in favor of a historical urgency—tears open the domain of selfhood and of significance in general. The self, then, is neither an object nor a modern subject, but an adventure on which we can embark by leaping creatively into “the happening of onwondom [*Eigen-tum*]” (GA 65: 320).

This brings us to *Ereignis*, the event of ownness or appropriation that is the central theme of the *Contributions*. *Ereignis*, as we have seen, is the event of grounding the “there”—the finite time-space that belongs to a historical people. Such an event is not the handiwork of any individual or any group of human beings, but it does require human beings to leap in. If we are Hegelian absolute knowers, “we have already left aside our own, in the sense of what is humanly relative” (GA 32: 71). But if we are Heideggerian leapers, we discover our own in an initiating event that establishes the very domain of ownness.

The theme of inception is already prominent in the *Contributions*, but in 1941 Heidegger devotes an entire text to the theme, *Über den Anfang*, where he writes, “here the word ‘inception’ is supposed to name the essence of beyng . . . The inception that seizes is the appropriating event [*Der An-fang ist Er-eignis*]” (GA 70: 9–10). Groundless founding initiates finite meaning.

But where do we look for guidance in this venture, if not in rational requirements or a logic of history? What defines the destiny of a community, if it is not merely an arbitrary choice? A remark in the notes for the Hegel seminar announces, “A people first comes about through ‘theophany,’ i.e. the cutting [*scheidende*] nearness of the coming god” (GA 86: 139). The *Contributions* develop this suggestion into an opaque but important discussion of “the passing of the final god” (Part VII). The urgency of the approach or flight of the ultimate god, or gods, draws a people into decision (*Entscheidung*) and provides the essential impulse that founds their own.

The vision of the *Contributions* retains much of the pathos of Heidegger’s highly political period, but the concrete implications of this “grounding” and “decision” have become considerably more vague. It seems less obvious to Heidegger that the founding of a people’s world can take the form of political measures. By the time of the Second World War and its aftermath, Heidegger has become even less political. However, he maintains his opposition to modern rationalism and insists on a historical point of view that awaits a theophany: “Only a god can still save us.”<sup>26</sup>

## Conclusion

From a rationalist perspective such as Hegel’s, Heidegger’s embrace of finitude and historicity was doomed from the start to fall prey to irrational enthusiasm and the attractions of tyranny. If we abandon the very attempt to reach nonfinite

comprehension, then there is no basis for a balanced, harmonious development of the state, and we are vulnerable to dark and willful impulses dressed in the sparkling robes of a god that is no God.<sup>27</sup>

Heideggerians will retort that the horror of Nazism consisted in the grinding necessity of its rationalized, planned “production of corpses.”<sup>28</sup> Totalitarianism, from this point of view, is the triumph of the objectivizing, all-comprehending modern spirit. Openness to the divine and to poetic dwelling is precisely what we need in order to gain distance from this modern mentality.

Is the modern or post-modern view preferable? Is Heidegger’s view actually post-modern at that, or is it just another permutation of the modern predicament? Is there room for a compromise, such that we abandon the Hegelian pretense that we can achieve a complete and final account, yet maintain rational concepts of rights, responsibilities, and freedoms where they are needed in the political sphere? Or would such a compromise be a mishmash of radically incompatible philosophical positions? I cannot pretend to answer any of these questions here; I have only shown, I hope, that Heidegger’s Hegel seminar raises them. This unfinished and unsettling text urges us to decide where we ourselves stand—to assert ourselves and establish a philosophical position. The questions of self-assertion and founding are, ultimately, among the most intimate.

## Notes

- 1 Martin Heidegger, *Seminare: Hegel—Schelling*, GA 86, ed. Peter Trawny (2011). I will cite both Heidegger’s notes (pp. 59–184) and the student transcripts and protocols (pp. 549–655), generally quoting Andrew Mitchell’s translation of the notes. (However, I translate *Selbständigkeit* as “self-standing” for reasons explained below, and *Anfang* as “inception.”) One should keep in mind that the texts by students, though they are more coherent than the notes and are probably reliable reflections of what Heidegger said in the seminar, are not from Heidegger’s own hand. “GA” will refer to Heidegger, *Gesamtausgabe* (Frankfurt am Main: Vittorio Klostermann).
- 2 “Über Wesen und Begriff von Natur, Geschichte und Staat,” in *Heidegger und der Nationalsozialismus I: Dokumente, Heidegger-Jahrbuch 4*, edited by Alfred Denker and Holger Zaborowski (Freiburg/Munich: Karl Alber, 2009). For an English translation with interpretive essays, see Martin Heidegger, *Nature, History, State: 1933–1934*, translated and edited by Gregory Fried and Richard Polt (London: Bloomsbury, 2013).



- 3 Emmanuel Faye, *Heidegger: The Introduction of Nazism into Philosophy in Light of the Unpublished Seminars of 1933–1935*, translated by Michael B. Smith (New Haven: Yale University Press, 2009), 204. Chapter 8 of Faye's book is devoted to this seminar. Faye deserves praise for uncovering many historical connections, and his moral outrage is understandable, yet it leads him to some reductive and mistaken conclusions regarding the Hegel seminar. Some of Faye's positions are criticized by Peter Trawny in "Heidegger und das Politische: Zum 'Rechtsphilosophie'-Seminar," *Heidegger Studies* 28, 2012, pp. 47–66. Trawny also provides a very helpful overview of the seminar and its political and philosophical contexts.
- 4 On this critique and its limitations see Richard Polt, "Beyond Struggle and Power: Heidegger's Secret Resistance," *Interpretation* 35(1), Fall 2007, pp. 11–40.
- 5 "The four lecture courses on Nietzsche and the seminars since 1937 are a confrontation with Nietzsche, whose metaphysics is seen as the end of philosophy hitherto, and is critically overcome": "Vorlesungen und Seminarübungen seit Erscheinen von *Sein und Zeit*," GA 86: 891.
- 6 *Zu Ernst Jünger*, GA 90: e.g. 213.
- 7 Heidegger, *Introduction to Metaphysics*, trans. Gregory Fried and Richard Polt (New Haven: Yale University Press, 2000), p. 213.
- 8 These themes are already evident in Heidegger's first lecture course on Hölderlin, which is contemporaneous with the Hegel seminar (1934–35); see *Hölderlin's Hymns "Germanien" und "Der Rhein"*, GA 39: 49–50, 59, 290–94.
- 9 *Contributions to Philosophy (Of the Event)*, translated by Richard Rojcewicz and Daniela Vallega-Neu (Bloomington: Indiana University Press, 2012), p. 195. Nearly every aspect of the interpretation of the *Contributions* is controversial, including the English translation of *Ereignis* as "event." For an argument that supports this translation see Richard Polt, *The Emergency of Being: On Heidegger's "Contributions to Philosophy"* (Ithaca: Cornell University Press, 2006), pp. 72–81.
- 10 Hegel's "Phenomenology of Spirit," translated by Parvis Emad and Kenneth Maly (Bloomington: Indiana University Press, 1998).
- 11 *Being and Truth*, translated by Gregory Fried and Richard Polt (Bloomington: Indiana University Press, 2010).
- 12 See Richard Polt, "Heidegger in the 1930s: Who Are We?" in *The Bloomsbury Companion to Heidegger*, edited by François Raffoul and Eric Sean Nelson (London: Bloomsbury, 2013).
- 13 Heidegger, *Being and Truth*, p. 73.
- 14 "[T]he one subject to these norms is the human being—not the historical human being, but rather the human being in general, the human being in itself, or humanity. Here, the conception of the human being is one of a *rational being in*

- general*. In the Enlightenment and in liberalism, this conception achieves a definite form. Here all of the powers against which we must struggle today have their root. Opposed to this conception are the *finitude*, *temporality*, and *historicity* of human beings" (Heidegger, *Being and Truth*, p. 129).
- 15 Martin Heidegger, "Rectorship Address," in *The Heidegger Reader*, edited by Günter Figal and translated by Jerome Veith (Bloomington: Indiana University Press, 2009), pp. 113–114.
  - 16 G.W.F. Hegel, *Hegel's Philosophy of Right*, translated by T.M. Knox (London: Oxford University Press, 1952), ¶ 149, p. 107.
  - 17 Heidegger, *Being and Truth*, p. 125.
  - 18 The latter phrase might also be translated as "denial of recognition to the power to be": that is, we refuse to acknowledge our enemy's ontological potency.
  - 19 Faye, *Heidegger*, p. 240.
  - 20 Heidegger, *Nature, History, State*, p. 45.
  - 21 Hegel, *Philosophy of Right*, ¶ 279, Remark, p. 182.
  - 22 Heidegger, *Being and Truth*, p. 3.
  - 23 Or perhaps a form of production. As Arendt argues in *The Human Condition*, tyranny misconstrues action in terms of production, as if it were a process that could be guided by a solitary technician, when instead action is an interpersonal, public initiative. By associating the philosopher with the poet (the "maker") and the *Führer*, Heidegger risks turning philosophy into a craft.
  - 24 Further reflection on the question of acting and thinking would have to consider Heidegger's postwar statement that "the essence of action is accomplishment," i.e. "to unfold something into the fullness of its essence," and that by accomplishing the relation of being to human beings, philosophy acts. Cf. Martin Heidegger, "Letter on 'Humanism,'" in *Pathmarks*, edited by William McNeill (Cambridge: Cambridge University Press, 1998), p. 239. This thought requires us to reconsider both what we mean by philosophy and what we mean by action. In any case, it is clear that Heidegger does not accept the traditional separation between practice and contemplation.
  - 25 Martin Heidegger, "Zerklüftung des Seins," *Heidegger Studies* 28, 2012, p. 15.
  - 26 "Der Spiegel Interview with Martin Heidegger," in *The Heidegger Reader*, p. 326.
  - 27 "The ethical world" is supposed by irrationalists "to be left to the mercy of chance and caprice, to be God-forsaken": Hegel, *Philosophy of Right*, Preface, p. 4.
  - 28 Martin Heidegger, *Bremen and Freiburg Lectures*, translated by Andrew Mitchell (Bloomington: Indiana University Press, 2012), p. 27. As Trawny puts it, Nazism "did not want to take over any care, but to control the *polemos*" ("Heidegger und das Politische," p. 66).

## Philosophy without Right? Some Notes on Heidegger's Notes for the 1934/35 "Hegel Seminar"

Marcia Sá Cavalcante Schuback and Michael Marder

The tremendous difficulties involved in reading Heidegger's seminar on Hegel's *Philosophy of Right*, held during the 1934/35 winter semester, are not restricted to the fragmentary character of the notes, a text of half-sentences and incomplete paragraphs.<sup>1</sup> Of course, the excess of hyphens, of *Gedankestriche*, and ellipses already imposes a certain pace and discontinuous rhythm on the act of reading. It forces us to jump from one thought, one comment on Hegel, one piece of evidence for Heidegger's residual Nazism to another. More problematically still, in order to accompany Heidegger on this rough journey, we must stop following the systematic unfolding of Hegel's dialectical argument. And, vice versa, if we are to remain committed to Hegel's philosophy of right, we cannot allow Heidegger to lead us into the thickets of dialectical thought. Although this is not a matter of a simple disjunction, it proves to be impossible to join Hegel *and* Heidegger in a linear fashion, deriving from this combination something like the political ontology of right. To think *between* Hegel and Heidegger, one must grow accustomed to jumping from one to the other, without the security of "baselines" (*Grundlinien*) that hem philosophy in from all sides and bestow upon it the gift of right.<sup>2</sup> Or, as Hannah Arendt perceptively said in a different context, we must entrust ourselves to a "thinking without a banister," *Denken ohne Geländer*.

Faced with the incompleteness of a text, such as Heidegger's seminar notes, the temptation is to fill in the blanks and smoothen the rough edges of its "thought outlines," or *Gedankestriche*. To act on this desire would be perhaps disrespectful not so much toward Heidegger, as toward the ineluctable incompleteness of every philosophical text. In saying what *has not been* said, we disturb the silence that vibrates between the fragmentary lines and that, in any case,

cannot be said.<sup>3</sup> Yet, the doubly incomplete text of these seminar notes is concerned, precisely, with the question about the completion of philosophy at a moment in history when philosophy's right (to say anything meaningful and effective whatsoever; to interfere in worldly, political affairs; to exist, finally) is put into question. At the heart of Heidegger's seminar on Hegel, it is possible to discover something other than a curious philosophical aporia or an aporetic mode of thinking. Instead, it can be realized how philosophy itself, in the "end," becomes an aporia (*Verlegenheit*) and loses its right to determine what is right and what is not.

What Heidegger's seminar notes may reveal is overshadowed by another kind of silence—one that marked his approach to the shameful episode of his Nazi involvement. "The case of Heidegger"—or *l'affaire Heidegger*, as the French call it—is the case of philosophy facing the loss of its right. And what are all the controversies surrounding Heidegger's Nazism about if not the right of and to his thought, not to mention the right to think further on his path, despite, against, or with his past? The right to a way of thinking is what is at stake in all the noisy controversies that fail to hear the multiple silences that have convoked them.

Does political engagement (be it fleeting and flirtatious or sustained and enduring) determine the right to philosophy elaborated by the same "person" who has committed her- or himself politically? Does a given philosophical position (for example: concern with the completion of metaphysics) lead straight to a practical political program? So formulated, the questions sound absurd, to say the least; nonetheless, they have been guiding the unraveling of *l'affaire Heidegger* for decades now, and will likely continue to do so with the publication of the first volumes of the *Black Notebooks* (*Schwarze Hefte*), edited by Peter Trawny, in 2014. As Jacques Derrida said in his 1988 talk on Heidegger's silence, these discussions and their penchant for decreeing the end of Heidegger betray, for the most part, "their political irresponsibility" and "their sociological inexperience."<sup>4</sup> Thus, the real difficulty of the case of Heidegger is the relation between philosophy and politics, when both politics and philosophy lose their right. This relation is far more complicated than the configuration of "theory" and "praxis," than the discussion of how thinking is or is not action, or than the question of how an idea can or cannot be actualized in praxis. The problem is not really of how the universal—whether philosophical or political, being as a whole (*Sein im Ganzen*) of the whole of beings (*das Ganzen der Seienden*)—may or may not coincide with the particular. What this "case" exposes is the historical consonance of politics and philosophy in their mutual divestment and shared

approximation to an end, at which both, almost simultaneously, lose their right. In this sense, the case of Heidegger engages a question that is also ours, demanding what Lacoue-Labarthe called an “active reading,” rather than the reading of an historian or philologist.

But what is meant by the “end” of philosophy, as well as of politics? How do they come to an end?—In having reached their completion, in having grown exhausted, over-saturated, too full of themselves and also, paradoxically, empty of meaning. Heidegger’s reading of *Philosophy of Right* reunites philosophy and politics (the latter, in the guise of right) in the common destiny of their end as completion and exhaustion. It asks about the meaning of existence *after* the loss of right—to philosophy and to politics. This loss is perhaps not an altogether bad thing, seeing that, at the end of metaphysics, existence becomes meaningful in and of itself. But let us not rush to hasty conclusions. In line with the seminar’s §70, where Heidegger presents the “plan” for his reading of Hegel and foregrounds the issue of the completion of Western philosophy, the question is: What is understood as completion (*Vollendung*) here?

Heidegger’s lifelong critique of dialectical philosophy, sketched among other places in the seminar notes, addresses the meaning of completion. Given the in-finite character of Hegel’s dialectics, *Vollendung* does not stand for the abrupt end of something that has been completely surpassed and overcome. The dialectical back-and-forth, return to itself and closure unto itself of metaphysics, spells out a perpetual ending that frames the thinking of completion. Completion means an end that does not cease to end<sup>5</sup> so that a “completed” meaning becomes empty—an insight that gathers together a set of topics (the overcoming of metaphysics, the question of technique, the end of philosophy and the task of thinking, and so forth . . .) that will keep obsessing Heidegger in his later work.

Even if the provisional definition of *Vollendung* goes some way toward clarifying the situation of politics and philosophy, it does not thereby let either of them come out from the long shadow of metaphysics. The existential meaning of existence must wait on the sidelines there where metaphysical ideals have receded and left behind their dark underside, considered under the broad heading of nihilism. In the background of existence after the completion of philosophy and politics there is “the bad infinity [. . .] of Hegel,” “the being of the dangerless calm that sublates everything in itself – where everything and nothing occurs” (§173). That is to say: at the close of metaphysics, everything is philosophy and nothing is philosophy; everything is political and nothing is political. In their ceaseless end, philosophy and politics are divested of their determinate

outlines, the *peras* that used to define what they were and set them over and against their "other". The outcome of this loss is the "general confusion of the spiritlessness of the last generation" (§21) and the distended "scope of dialectic: Back and forth – going –| Dissolution – confusion" (§92).

It is to the dissolution of political and philosophical baselines (in a word: the loss of right), which he detects all around him, that Heidegger opposes National Socialism, romantically conceived in terms of "[t]he *original* – *letting emerge* and thus a properly *grounding originality* – a *sound* (*gediegene*) originality – one that *does not just dissipate*" (§261). The non-dissipation of the original is far from the grandiose delusion of an eternal, trans-historical Nazi state, which Emmanuel Faye ascribes to Heidegger.<sup>6</sup> To the extent that the seminar notes still follow some paths of the *Rectorship Address* (*Rectoratsrede*), they indicate that the completion of philosophy and politics spawns a kind of matter without its proper forms. Rather than trying to figure out a new set of forms, let alone the ideal form, for thinking or for action, Heidegger wants to capture the emerging being-historical form of his time.<sup>7</sup> But, if that is so, then he *must* part ways with Hegel's dialectics, where all a philosopher can hope to do is grasp, wistfully and retrospectively, those forms that are about to pass away. The Owl of Minerva is a symbol of cautious, albeit powerless, wisdom. Its cautiousness was sorely missing from Heidegger's thought in the 1930s, probably due to his craving for ontological power.

More audaciously still than capturing what is emerging, Heidegger wishes to bring into full view what is "letting emerge." He wants to recommit himself, along with the German University, the German people, and so forth, to the "grounding originality," which he seems to have discerned in the forming, not-yet-formed movement of National Socialism. In it, in this still indeterminate historical form, he appears to have recognized some of his own thoughts from *Being and Time*, namely Dasein as being-with, the question about the destiny of the people, historicity, and the destiny of Western metaphysics, or, better yet, the destiny of the West as metaphysics and its completion. National Socialism is, for him, not a stage in the overcoming of metaphysics, but the context of power where a new possibility emerges on the horizon of appearing. From Heidegger's standpoint in the 1930s, the real political forms of democratic liberalism and socialism have been completed, in tandem with the history of metaphysics, from which they had emanated. As such, they are doomed to an empty repetition, the back-and-forth of an exhausted dialectics (§198).<sup>8</sup> National Socialism, on the other hand, is growing, forming, and, in Heidegger's view, it holds the possibility of something new at the source of all possibilities, namely a "letting-emerge." In his

treatment of the *Rectorship Address*, which he translated and retranslated in the 1970s, Gérard Granel reflected about Heidegger's view on this forming force and proposed that: "What is at stake is not all of a sudden—and, in a sense, it is never at stake—to give shape to new possibilities; rather, it is a matter of recognizing what has sketched itself anew [or, "something of the new (*de nouveau*) that (again) has sketched itself," MM & MCS] in the possible."<sup>9</sup> Perhaps, he was right.

This is one dimension of the problem. The other is that Heidegger actively instigates the emergence of new forms, which is why he considers "exercises" and the "*preparation* – for thinking with – interests and actions –" (§110) necessary. The *Rectorship Address* is unambiguous on the possibilities that could flourish in a reformed university, where science would be brought back to its existential roots, to "all the world-shaping forces of human historical existence."<sup>10</sup> In the seminar notes that, as Richard Polt observes in the current volume, are, like the *Rectoratsrede*, concerned with the problem of "self-assertion," this proposal is plausible on the condition that it is implemented together with the people grounding its state. The existential foundation for "science" and for "the people" is meant to supplant the metaphysical bases for philosophy and politics, after the exhaustion, or the completion, of both. But, without a predetermined right, co-existence is not the only hinge articulating philosophy and politics at the end of metaphysics. We must also look into the ontologico-didactic notion of "preparation," which is a crucial piece of Heidegger's controversial engagement with Hegel in this seminar.<sup>11</sup>

The existential grounding of the state as much as of science in the being of the people and in people's lives cannot rely on the epistemological-metaphysical foundations that have been paramount from Plato to Hegel. In the absence of readymade supports, the re-founding of the university and of the state has an air of an existential revolution, the revolution in and of the singular. Yet, Heidegger's utopia is to "prepare" the situation for this singular event, to think ahead (rather than back, as Hegel does) toward it, to affirm (*behaupten*) a mode of thinking, a state, and an era, when the modern concept of knowledge and of private, social, or political existence would finally shed its aura of self-evidence and would appear exhausted. On this path, Heidegger made unforgivable political mistakes when he strove to *assert his own independence* from Hegel and to regain the future from the twilight of dialectical past. In addition to accompanying the "letting-emerge" of existential possibilities, much of Heidegger's thought, from the mid-1930s and especially from *Beiträge* onwards, was a series of exercises and preparations for the active "making-come" of the event, initially misrecognized as National Socialism.

A pure self-assertion, absolutely indifferent to the negation of otherness, is unthinkable within the dialectical scheme. Hegel's dialectics in particular remains a philosophy of re-active right. If Heidegger recognizes that self-assertion cannot be accomplished by the negation of negation, this does not mean that it would correspond to a pure affirmation, which might explain to some extent his "destructive" readings of Nietzsche in the same period. The meaning of self-affirmation cannot be retrieved by any dialectics of negation and affirmation, as far as Heidegger is concerned. Already in 1923, in the lectures published under the title *Ontology: The Hermeneutics of Facticity*,<sup>12</sup> he insists that "[a]ll dialectics lives from the table of others. The shining example: Hegel's logic." "[D]ialectics," Heidegger continues, "lacks radicality, i.e. is fundamentally unphilosophical, on two sides. It must live from hand to mouth and develops an impressive eloquence in dealing with this readymade material. If it gains acceptance, the burgeoning Hegelese will once again undermine even the possibility of having a mere sensitivity to philosophy."<sup>13</sup> That self-assertion does not live "from the table of others" is not a hallmark of hubris but, on the contrary, the humility of existence grounded on itself alone and, therefore, radically ungrounded, abyssal. The self-assertion of philosophy and politics, the university and the state, at the "end" of metaphysics was supposed to express the revolutionary emancipation of existence without right from the misnomers for being that had manipulated it from above or behind the scenes of this world. Does Heidegger's misrecognition of a deplorable historical event as this revolution foreclose the very possibility of a new beginning within the ceaseless completion of philosophy and politics?

We could say: Heidegger saw in the emergence of National Socialism and in its search for a form of life the possibility of another beginning. That was his biggest *historical-political* blunder. To be more exact, he thought that National Socialism represented a fundamental transformation in the essence of power, understood as the sign for a transformation in the power and meaning of being. In the notes on Hegel's *Philosophy of Right*, the concept mediating between power and being is "work," which works to foreground possibility at the expense of actuality from "[t]he essential will as work – as *historical Dasein*" in §13 to governmental power as "*a conducting and keeping-at-work* of the willed decisions of the humans" in §253. The re-orientation of power and work toward the possible—that is to say: toward the fundamental ontology of *Dasein*—was Heidegger's *philosophical* blunder. He treaded dangerously in believing that a transformation in the essence of being could be carried out and effectively



instituted (or accomplished) by way of rethinking and reorganizing power and work. Already the idea of an effective institution and accomplishment of finite being contradicts that which is to be instituted. Worse still, the interpretation of non-metaphysical being as power, in the hopes of changing political onto-theology, usurps the concept of right in favor of the historical powers that exist or are emerging at the time: the *Führer* and the *Volk*. In National Socialism, the meaning of being as power results in a completion that is more totalizing and suffocating still than any previous completion of metaphysics. The “other” beginning turns out to be a despicably exaggerated version of the same.

What are the alternatives? Heidegger’s mistake does not by any means imply that his diagnosis of the metaphysical impasse, his dissatisfaction with the tired political options of liberal democracy and socialism, or even his critique of the futureless course followed by Hegelian dialectics is incorrect and deserves to be dismissed without giving it a second thought. A drastically different path is opened in what Maurice Blanchot called “*déclaration d’impuissance*,” refusing to think whatever remains of being at the end of metaphysics under the sign of power. If this declaration were made in all seriousness, then, for the first time, philosophy and politics would join in a configuration with powerlessness and the absence of right. This is also something Derrida has alluded to in the introductory remarks, inaugurating the collection *Who’s Afraid of Philosophy? Right to Philosophy I*.<sup>14</sup> But is dialectics really powerless to teach us about the meaning of powerlessness, which is the very core (and power) of finite existence? Is not its dependence on the other, its “living from the table of others,” a good counterweight to the excesses of self-assertion that run the risk of converting being into power? Does not dialectics sketch out, if only negatively, the power of powerlessness—the fortitude required for living and thinking without a predetermined right—and the powerlessness of power—the incapacity of the mightiest of all powers to perform the only meaningful act and give itself up? Heidegger himself would deny this possibility to dialectics, following, for example, the text published on September 21, 1969 in the *Neue Zürcher Zeitung*, where he claims that “[d]ialectics is the dictatorship of questionlessness.”<sup>15</sup>

The protocols and “Mitschriften,” accompanying the seminar notes on Hegel’s *Philosophy of Right* in the text’s German edition, see Heidegger turn to Plato in an effort to understand the workings of dialectics. Following Hallwachs’ notes, Heidegger would have understood that Plato’s dialectics differs from Parmenides through the claim that *non-being* is. For instance, when we see a piece of wood (*Stock*) reflected in water as broken in two, the broken piece is still something even

if it is not something.<sup>16</sup> What shows itself is something, even if it is not what is being shown. In this sense, for Plato, even non-being is being and, moreover, the concept of being comprehends non-being. If “right” is the political variation on metaphysical ontology, then living and thinking without right, in the state of un-right, we are (already or still) under the sway of what has been negated. Inasmuch as it declares anything whatsoever, bringing powerlessness into view and putting it into words, Blanchot's declaration of *impuissance* negates the very thing it declares. Conversely, “our” incomplete dialectics, unfolding within “our” hermeneutical situation, is between philosophy and politics without right, on the one hand, and an end-less negotiation of the right to philosophy and to politics, on the other.

While Socratic dialectics, as Heidegger construes it, is peirastic in its questioning search for truth (despite the Platonic reification of being that encompasses its other, non-being), Hegel's dialectics does not invent a method for seeking the truth of being but, instead, identifies the truth of being itself as a method. Within the same metaphysical tradition, two versions of the infinite present themselves in the context of two dialectical philosophies that open and close this tradition. The Greek ongoing, non-actualizable search, where the thinker's non-arrival at truth is the power of powerlessness that further instigates the philosophical quest, is all but absent from Hegel's system, where thought is infinite because it sublates and incorporates everything into itself, even as it impregnates everything. Or, as Heidegger puts it in the seminar notes: “*Dialectical method – as philosophical – absolute – in-finite thinking*” (§184). Hegel's thought operates within the parameters of completed incompleteness: everything—including itself, its other, and the way out—is included in it. And so, it, itself, is a spectacular example of the powerlessness of absolute power, the incapacity of this power to give up its absolute privilege absolutely, without a hope of recovering itself after another self-negation.

Heidegger thinks, not only in the 1930s but also well into the post-war period, that Hegelian dialectics is the actual state of affairs. Opposing Carl Schmitt's view, in the seminar on *Philosophy of Right* he quips “‘Hegel died’ – no! he had not yet ‘lived’!” (§57). Years later, in the 1957 seminar on *The Fundamental Principles of Thinking* (*Grundsätze des Denkens*), Hegelian dialectics is declared “the reality of the world,” *Weltwirklichkeit*. Heidegger writes: “Dialectics is today, perhaps, the reality of the world. Hegel's ‘dialectics’ is one of the thoughts that has been widely considered to ‘guide the world,’ and it remains equally powerful there where dialectical materialism—in a slightly different style of thought—is believed to have refuted it.”<sup>17</sup> As such, dialectics marshals its absolute right over

“what is.” It does not present the fruitlessness of a method for thinking the reality of the world, but the very reality of the world as fruitless. Putting aside the context of the Cold War, which clearly lurks behind this assertion, we might say that the evidence for the dialectical completion of metaphysics is neither ideal nor real but phenomenological. The reality of appearing, in Hegel, is the actualization of the rational, or, as Heidegger writes in §193: “*Rational – the appearing unconditioned universal, speculatively thought – absolute spirit – will.*” The common end of philosophy and politics is apparent as a singular phenomenalization of *logos*; it shows itself from itself.

In the 1957 seminar, Heidegger described dialectics as “a uniform thought that has achieved world-historical domination [*Herrschaft*].”<sup>18</sup> Heidegger will endorse this view in his discussions of “the essence of technique”<sup>19</sup> and his thoughts on the planetary as “unconditional anthropomorphy.”<sup>20</sup> Distinct from the Fukuyama-type of narratives about “the end of history”—now quite discredited, above all, by the fiascos of neoliberalism—the meaning of the end as completion implies that the end of philosophy and of politics becomes more convoluted, more labyrinthine, less prone to being overcome. Precisely, the sovereignty, mastery, or dominance (*Herrschaft*) of thought and action—in a word, everything designated by the traditional concept of “right”—is at issue here. Another set of commentaries would need to be written on Heidegger’s concept of *Herrschaft* in the 1934/35 seminar on Hegel and in other writings from this and later periods. We limit ourselves to reading a fragment of §250 that locates the meaning of power “in *ideality* as mastery [*Herrschaft*] over every finitude.” In retrospect, it is obvious that the darkest excesses of metaphysics tend to be repeated and magnified manifold in every attempt to master and idealize finitude, finally putting it in the service of power. Is living and thinking “without right” a sufficient warranty against this possible repetition? Our wager in these notes has been on the incomplete dialectics of the *without* and an enduring search for the right to philosophy and to politics *with* others. Whether or not it would work, only being as time would tell.

## Notes

- 1 As Andrew Mitchell observed in the preface to his translation of the seminar, Heidegger’s seminar notes “are a collection of half-phrases, terms and references, only occasionally rising to the form of complete sentences of paragraphs.”

- 2 Cf. Michael Marder, "Given the Right—Of Giving (in Hegel's *Grundlinien der Philosophie des Rechts*)", *Epoché*, 12(1), Fall 2007, pp. 93–108.
- 3 On the most recent discussion of the question of silence in Heidegger, see Claudia Baracchi, "A Vibrant Silence: Heidegger and the End of Philosophy." In *Being Shaken: Ontology and the Event*, edited by Michael Marder and Santiago Zabala (Basingstoke and London: Palgrave Macmillan, 2014).
- 4 Jacques Derrida, "Heidegger's Silence." In *Martin Heidegger and National Socialism: Questions and Answers*, edited by Günter Neske and Emil Kettering (New York: Paragon House, 1990), p. 146.
- 5 Cf. §84: Dialectical Thinking – Conceives and Is Being Itself. In its completion in itself the development of the content – soul of the same; (§85): Dialectic as (Absolute) System, the in-finite Logos; §86: Scope of the Dialectic, Back and forth – going – | Dissolution – confusion; §92: In-finite 1.) the end-less: a) End | simple cessation not πέρας b) -less – the perpetual etc. outside-each-other [*aus-einander*]; §93: Something is only then speculatively-dialectically thought – i.e. as "self" knowing appearing in itself" – this being known [*Gewußtsein*] is the authentic being [*Sein*] – it is the concept – idea – of absolute "idealism"; §95: "Dialectic" – method, not finite – rather in|finite – (closed on itself – turning-back); §146: Its in-finitude; dialectical return into itself – Negation of negation; §169: Dialectical method – as philosophical – absolute – in-finite thinking.
- 6 Emmanuel Faye, *Heidegger: The Introduction of Nazism into Philosophy*, translated by Michael B. Smith (New Haven, CT: Yale University Press, 2009), p. 203.
- 7 Martin Heidegger, *Réponses et questions sur l'histoire et la politique: Martin Heidegger interrogé par Der Spiegel* (Paris: Mercure de France, 1977), pp. 10–11.
- 8 The paragraph reads: "Hegel – Philosophy – Completion of the West – back and forth in our age. (The twaddle about the 19th century and liberalism. For twenty years the same phrases)."
- 9 "Il ne s'agit pas là tout de suite—et en un sens il ne s'agit jamais encore—de donner figure à de nouveaux possibles, mais de reconnaître ce qui s'est dessiné de nouveau dans le possible" [Gérard Granel, "*Un singulier phénomène de mirement*" in *L'époque dénouée* (Paris: Hermann, 2012), p. 166].
- 10 Martin Heidegger, "The Self-Assertion of the German University," in *The Heidegger Controversy: A Critical Reader*, edited by Richard Wolin (Cambridge, MA: MIT Press, 1993), p. 33, translation modified.
- 11 See Peter Trawny, *Heidegger und das Politische. Zum "Rechtphilosophie-Seminar" in Heidegger Studien* (Berlin: Duncker & Humblot, 2012).
- 12 Martin Heidegger, *Ontologie (Hermeneutik der Faktizität)*, GA 63 (Frankfurt am Main: Vittorio Klostermann, 1988); *Ontology—The Hermeneutics of Facticity*, translated by John van Buren (Bloomington and Indianapolis: Indiana University Press, 1999).

- 13 Heidegger, *Ontology*, p. 36.
- 14 Cf. Jacques Derrida, "Privilege: Justificatory Title and Introductory Remarks," in *Who's Afraid of Philosophy? Right to Philosophy I*, translated by Jan Plug (Stanford: Stanford University Press, 2002), pp. 1–66.
- 15 Martin Heidegger, "Zeichen" in *Aus der Erfahrung des Denkens*, GA 13 (Frankfurt am Main: Vittorio Klostermann), p. 212.
- 16 Martin Heidegger, *Seminare Hegel-Schelling*, GA 86 (Frankfurt am Main: Vittorio Klostermann, 2011), p. 553.
- 17 "Dialektik ist heute eine, vielleicht sogar die Weltwirklichkeit. Hegels 'Dialektik' ist einer der Gedanken die—von weither angestimmt—'die Welt lenken,' gleichmächtig dort, wo der dialektischen Materialismus geglaubt, wie dort, wo er—nur einem leicht abgewandelten Stil derselben Denkens—wiederlegt wird." Martin Heidegger, "Grundsätze des Denkens," in *Identität und Differenz*, GA 11 (Frankfurt am Main: Vittorio Klostermann, 2006), pp. 133–4.
- 18 "Dialektik [...] ein gleichförmige Denken zur Weltgeschichtlichen Herrschaft gelangen." Heidegger, "Grundsätze des Denkens," p. 139.
- 19 See also in Heidegger, "Zeichen," p. 212. Heidegger's statement is: "Die Methode des dialektischen Vermittelns schleicht sich an den Phänomen vorbei (z. B am Wesen der modernen Technik)."
- 20 Martin Heidegger, *Nietzsche II* (Pfullingen: Günther Neske, 1961), p. 20.

# Translator's Preface

Andrew Mitchell

Heidegger's seminar notes are a distinct genre of writings within his corpus. They are not written in the carefully composed, revised, and grammatically precise language of his published works. Instead they are a collection of half-phrases, terms, and references, only occasionally rising to the form of complete sentences or paragraphs. But this is not to say they are incoherent or arbitrary, far from it. The patient reader will find here a host of ideas drawn from Hegel's text, the load bearing points slowly coming into focus through repeated analysis, passages returned to from new perspectives, and the elaboration of complimentary ideas that ultimately come together to form a focused reading of Hegel's *Philosophy of Right*, and a particularly "Heideggerian" one at that. A certain generosity on the part of the reader is required for this, however, as the notes are often quite fragmentary.

One peculiarity of the text lies in Heidegger's insistent use of hyphens. The German word for "hyphen" is *Gedankenstrich*, "thought line," and nothing could be more apt here. One has to learn how to read these and they seem to me to function in several ways. They can be read as though commas, providing pauses for emphasis or as beginning a phrase, they can be read as em-dashes, setting off auxiliary thoughts to the main line of reasoning, they can be read as simply separating the items of a series, or as marking the transitions in Heidegger's extrapolation of an idea. In any event, it is my hope that the reader will gain a certain fluency in working with these hyphens, which I have retained in the translation.

It is also worth noting that there are plenty of times where verbs are missing from these notes. In many cases, the verb is heavily implied and in these instances I have sometimes added it, sometimes left it implied. In other cases, where the implication was less heavy, though a connection apparent, I have supplied the missing verb in square brackets.

All notes to the text stem from either the editor or the translator, none are from Heidegger, and as these are mainly bibliographic references, they go unattributed. In cases where a note is more explanatory, it is specified as either

the editor's or the translator's. Interventions from the German editor appear in {curly brackets}, from the translator in [square brackets], and from Heidegger himself in <angle brackets>.

Heidegger's use of sources is likewise not that of someone preparing a text for publication. As he is writing for himself, for use in seminar, where one assumes the students will have the exact texts before them, Heidegger's citations are often somewhat paraphrastic. He notes to himself what is important about the passage in question, without regard for a verbatim rendering. For this reason, all translations of Heidegger's citation of Hegel in the text are my own and are made with an eye to consistency between the language of the source text and the commentary. In each case I have nevertheless provided a reference to available English language translations for comparison and context, but the wording one finds on these pages is not necessarily the wording one finds there. Published translations are thus referred to, not cited.

Heidegger tends to work mainly from two editions of Hegel's *Sämtliche Werke*, the Jubiläums edition of Hermann Glockner published by Frommann, and that of Georg Lasson, published by Meiner. For the *Philosophy of Right*, he relies on Lasson. I have updated Heidegger's German references to the more readily available *Theorie-Werkausgabe* published by Suhrkamp (hereafter *Werke*). As Heidegger often cites from texts with high editorial intervention, i.e. from the *Zusätze* ("Additions") to Hegel's writings or from texts like the *Philosophy of World History*, this seemed the more prudent path to follow. In some cases, the text of the *Werke* is slightly different from that of the edition Heidegger cites. I have not marked these differences in the translation. In the case of the *Philosophy of World History*, the differences between the *Werke* and the text Heidegger cites are quite egregious, therefore where no corresponding passage has been found in the *Werke*, I have simply provided the citation from Lasson.

I have employed the following abbreviations in citing the works of Hegel:

- Werke*    *Werke in zwanzig Bänden*. Theorie-Werkausgabe. Frankfurt: Suhrkamp, 1970.
- E1        *The Encyclopedia Logic: Part One of the Encyclopaedia of Philosophical Sciences with the Zusätze*. Trans. T.F. Geraets, W.A. Suchting, and H.S. Harris. Indianapolis: Hackett, 1991.
- E2        *Philosophy of Nature: Part Two of the Encyclopaedia of the Philosophical Sciences (1830)*. Trans. A.V. Miller. Oxford: Oxford University Press, 2004.

- E3 *Philosophy of Mind: Part Three of the Encyclopaedia of the Philosophical Sciences* (1830). Trans. William Wallace and A.V. Miller. Oxford: Oxford University Press, 2003.
- PH *The Philosophy of History*. Trans. J. Sibree. New York: Dover, 1956.
- PS *Phenomenology of Spirit*. Trans. A. V. Miller. Oxford: Oxford University Press, 1977.
- PR *Elements of the Philosophy of Right*. Ed. Allen W. Wood. Trans. H.B. Nisbet. Cambridge: Cambridge University Press, 1995.
- RR "Reason and Religious Truth: Hegel's Foreword to H. Hinrich *Die Religion im inneren Verhältnisse zur Wissenschaft* (1822)," trans. A.V. Miller, in Frederick G. Weiss, ed., *Beyond Epistemology: New Studies in the Philosophy of Hegel* (The Hague: Martinus Nijhoff, 1974), 227–44.

In some cases there is no equivalent in the *Werke* (it does not include a Heidelberg *Encyclopedia* and the *Philosophy of History* is quite different from the one of Heidegger's using). In these cases, references are to the following:

- EH G.W.F. Hegel, *Enzyklopädie der philosophischen Wissenschaften im Grundrisse und andere Schriften aus der Heidelberger Zeit*, ed. Hermann Glockner, *Sämtliche Werke* vol. 6 (Stuttgart: Frommanns, 1956). English translation: G.W.F. Hegel, *Encyclopedia of the Philosophical Sciences in Outline and Critical Writings*, trans. Steven A. Taubeneck, ed. Ernst Behler (New York: Continuum, 1990). [Heidelberg Encyclopedia]
- WH G.W.F. Hegel, *Philosophie der Weltgeschichte*. 1st Half: 1. *Einleitung des Herausgebers: Hegel als Geschichtsphilosoph*. 2. *Die Vernunft in der Geschichte*, ed. Georg Lasson, *Sämtliche Werke* vol. 8 (Leipzig: Felix Meiner, 1920). [World History]

Student additions (*Zusätze*) to Hegel's text sections are noted by a lowercase "a" following the section number, i.e. §257a, Hegel's remarks (*Anmerkungen*) to the text by a lowercase "r," i.e. §271r.

References are thus in the following format, the first abbreviation names the text as per the above, followed by a section number where applicable, then to volume and page of the *Werke* (excluding EH and WH), then finally a slash and the corresponding page of the English translation as listed above. Heidegger's citations have been normalized or supplied in the process without indication by me. Any errors have been silently corrected.



I have also updated Heidegger's references to Homer and Aristotle from the Teubner Greek editions that he cites to the more readily available Oxford Classical Text editions. References to the works of Carl Schmitt have also been updated.

A few last remarks on the translation are warranted. Since German capitalizes all nouns, where there are strings of hyphenated nouns in the text, the choice of capitalization is purely that of the translator and follows no hard and fast rule. Where *Recht* is not translated by the word "right," I provide the German in brackets. The word *Gewalt* is sometimes translated as power (as in the "division of powers," *Gewaltenteilung*) and sometimes as force. Since "power" is also the translation used for *Macht*, whenever *Gewalt* is translated as "power" I provide the German in brackets. *Gewalttätigkeit* is rendered as "violence." Lastly, Heidegger occasionally refers to a manuscript of his by means of a box siglum: □. The manuscript to which this refers is as yet unknown.

The translator wishes to thank the German editor, Peter Trawny, for his invaluable assistance in preparing the translation.

# I Hegel – State

## 1 Civil Society. §182, Addition

Unity of persons – the *unity* of which is *only commonality*.

*Each their own end* – but this not to be achieved *without the others*.

*The others respectively as means* –

→ *Through relation to the others* – this being-related becomes a “universality,” especially, since the welfare of the other is mutually satisfying.

The *particularity* is – restricted through such universality – *the sole measure*.

→ Particularity and universality here fall apart.

“To hold the other at arms length [*vom Leibe halten*]” – and indeed used in this way (*negatio*).

The measureless is characteristic of particularity for itself

a) the measurelessness of needs

b) of lack: of distress – confusion.

## 2 “Civil Society”

Cf. *Phenomenology*: “*the spiritual animal kingdom*.”<sup>1</sup>

The self-seeking of interests as something in common.

“community of interests” (“cooperative association”)

## 3 The Ethical

The each time already effective actuality of spirit and thereby its mis-effects as well.

## 4 Freedom and Its Actuality

is *immediately* right – (private right)

In the reflection of self-consciousness – the good.

The third, *ethical life* – = the *truth* of the good and of *right*.

## {5 Freedom – Masterliness}

*Freedom as independence and sovereignty*

*Masterliness!* – the highest superiority of unconditioned service.

## 6 State as Will

“*Spirit*,” world, “*history*.”

*What against:* against natural growth and divine arrangement.

*Liberation of reason* (world – nature)

One’s own law, but first as individual.

Rousseau.

*Kant – Fichte on morals*, but legally-governmentally [*rechtlich-staatlich*] in Rousseau.

*Hegel* fundamentally beyond *Rousseau* – but at the same time at the cost of a concept of the freedom of the will of practical reason.

*Thinking* as unified principle.

But the *concept* of “*thinking*”!

## {7 Universal will}

*Volonté generale* Rousseau

and

*Universal will* Hegel

*Universality* – as rationality – “reason” – what is reasonable in and for itself. “Idea.”

Not commonality as a result, rather the *essentiality* of the *penetration*!

Not “individuals” as the first “foundation,” but rather “individuals”

“are” – only they themselves – *if – free*! That is, *turned back* to the *essence*!

*To start out* from the individual will of evil – mistrust – to shrewdly construct dikes – thus: unity – as reciprocal effect of the dikes.<sup>2</sup>

*Political disposition*! And negative understanding.

## 8 “Organism”

1) *formal, indeterminate concept* –

- a) precedence of the whole before the parts
- b) segmentation and relation back of the parts – members
- c) unity of immanence-content [*Immanenzhaltigkeit*].

N.B. “organic” – a) steadily growing / slowly

- b) natural growth vs. artificial
- c) internal origin vs. external

2) *metaphysical concepts* – for the essence of the *idea*

*The development of the idea into its differentiations.* –

Why the “living” organism (“an” organism) needs this as correspondence – where *unity: totality!*

## 9 Disposition (political)

(more knowing will! “bearing”)

Against formal “will” of the legal entity [*Rechtsperson*] – against the free arbitrary will of the moral human.

Origin and kind and essence of disposition.

“Family”: “Corporation.”

## 10 “Appearance” (Hegel)

“For it is the appearance, in which one part is negative, one part is affirmative” (PH 12: 49/33).

Ibid., WH 92 f.

## 11 Idea (Hegel)

The visible – what is appearing.

Spirit as appearing – not an addition – rather its *essence*.

The appearing – self-determining as this – the “actuality” [*Aktuosität*] of spirit.

## 12 World History

“The whole business of world history is [...] the labor to bring this (the concept of spirit) to consciousness” (and to actualize it), PH 12: 39–40/25.

Spirit – should “come to itself and intuit itself as actuality (‘Idea’),” PH 12: 40/25.

Truth – “striving and driving after itself” (PH 12: 45/29).

Idea – knowing itself in a self-intuition.

## 13 Freedom (Hegel)

The subject must find itself satisfied in its activity, it must take an *interest* in its work.

Conversely – where there is interest – there must also be the possibility of work.

The essential will *as work – as historical Dasein*.

(The state) “Unity.”

The abstract basis of freedom is the will.

The product: the *entire ethical Dasein* of the people.

*The Idea and passion that are mediated therein* (WH 61).

## 14 Ethics (Hegel)

“The concept of freedom that has become the present world and the nature of self-consciousness” (PR §142, 7: 292/189), i.e. the “idea” of freedom – that – wherein this *intuits itself concretely*, has itself before itself and thus is “*itself*.”

## 15 “Ideality” – Idea – Ideal

Spirit is essentially Idea in the form of ideality, i.e. *in the being negated of finitude* (E3 §386)

The turning of the idea from out of its otherness (nature) back to itself. Thereby revealing *itself. Manifestation* – E3 §383, 10: 27–29/16–18, completing the revelation in its own element.

Cf. E3 §381a: “Sublation of Exteriority” (10: 21/11)

For example, already an “animal” in itself.

Each determined as “ideal”.

Going back into a whole (the animal).

(absolute idealism *in itself*).

“Sexual relations the highest point of living nature” (E3 §381, 10: 20/10).

Opposition and indeed *sensation of unity*. Even the empty animal.

*But* in the species process, not the species but rather always falling back into the individual. The empty death.

## 16 Negation of Negation as Absolute Affirmation

“Ideality” the being negated of the finite.

The negating of the negating is each time recognition of the same – affirmation and indeed in-finite.

## 17 State as Organism

Organism: is the *emerging constitution*, in which the state first *comes into* its essence. *Organism not for itself and otherwise*.

Not a *present-at-hand formation*, in which the constitution is *played out*.

“Subject”.

## 18 “Organic”

“i.e. taken up into the totality” (PR §302r, 7: 472/342).

What appears to be a moment and opposition has its truth in that it is a *middle*.

## 19 State and Science

*Philosophy of Right* §270 (7: 423 f./297 f.)

State only a “*means*” for *science* | in the *absolute sense*?

Both have the same element of form: knowing!

## 20 Clarificatory Review

from spirit

(will  
freedom)

Idea and *ideality*

truth

certainty

## 21 First Loosening Up of the Question

Education to knowledge.

Clarity of the decision.

Certainty of the claims.

Guarding of the genuine standards.

*Situation: the most dominant – for actual work and change –*

1. the general confusion of the spiritlessness of past generations

2. the knowledge of the state – in contrast to pure juridical political science

3. *political schooling* – | “Awakening” and again the consolidation of the “masses” into a people

4. *party* – state

5. knowledge – : truth – Dasein.

## 22 The Question Concerning the State

Basic direction and position of the Hegelian philosophy.

The *kind* of question concerning the state.

*Now more definite and with this* there also ensues a *confrontational* questioning.

Always *in reserve* the *fundamental* confrontation.

*Confrontation* – from out of our Dasein – this not as a *fixed* point and absolute standard – but rather us putting ourselves into question – and the will to clarity of *knowledge* of the essential *regions* – the *how* of the question and its fundamental conditions.

→ no mere acquaintance – | this not unimportant – but only on the basis of and in the light of that essential knowing.

## 23 Question concerning the State a (cf. b)

as actualization of essence – so difficult that something is already gained if these difficulties as such are experienced.

Not *only* to think the *Hegelian* determination of essence – this has priority – but the essential realms *in their connection* [to it].

An entirely definite and in Hegel's sense *absolute* construction of the essence of the state.

*State* – spirit – Dasein – history – nature – *beyng*.

*Restriction!*

*Path:* from §257 ff.

Fundamental representations – concepts – position taking – working to acquire an insight into the fundamental contexts.

Capacity and certainty: thinking – questioning – to move oneself here –

## 24 Question concerning the State b

Whoever has even a slight acquaintance with the rootlessness, the turmoil of philosophy in the 19th century, will not be stunned that all these deficiencies are found once again in a heightened form in the thinking of the state.

## 25 For the Protocol

Hegel is *developed abstractly*.

Universality | Individuality

Objectivity | Subjectivity

*How*, on the contrary, a *fore-conception* of constitution and disposition.

Gaps – essential – ⟨the *political!*⟩



## 26 State

as *originary* unification of the “individual” and “universal” – the *self-becoming* of the defining and bearing ground of the historical Dasein of a people.

“Externally” regarded | present-at-hand.

“Internally” regarded | events – cooperatively claimed

Individual will – and its universal, severed in civil society. But how are the individuals “there”?

## 27 Education and Work in Hegel and in the 19<sup>th</sup> Century

for Hegel – the metaphysical origin of this and in spirit – historically rooted.

1) the splitting apart of *the educated* within the liberal bourgeoisie | – the worker.

Education – personally claimed by the free as their distinction.

Work – *denigrated* to industrial work and wage labor.

2) this splitting apart simultaneously an uprooting and leveling out.

3) both (1 and 2) because the metaphysical foundation is gone! and why is this? was it ever there at all?

## 28 State and Upbringing (Discipline), (“Education”)

Because “education” [*Bildung*] is deformed in its very concept we say “upbringing” [*Erziehung*] and wish at the same time to indicate the metaphysical originality (through its meaning as “breeding” [*Zucht*] – becoming drawn and being drawn by something which originary attracts [*an-zieht*]).

Binding – holding fast – going behind oneself and keeping underway – (essence of discipline; cf. Nietzsche).

The metaphysical kind of “*upbringing*” – and *upbringing in science* [*Wissenserziehung*].

## {II Separation of Powers and Constitution: Constitution of the National-Socialist State}

### 29 Separation of Powers [*Gewaltenteilung*] by Hegel

Separation [*Teilung*] is not severing, even for the sake of restriction.

Separation is differentiation and this as sublation – decisive return and thus development of the whole.

This *part-of-self* [*Teil-sich*] – as itself the communication [*Mitteilung*] of its essential unfolding in itself.

### 30 The Three Powers

in the *System of Ethical Life*.<sup>3</sup>

In connection with Montesquieu:

1. legislative – the positing of the universal
2. judicial – the ideal subsumption of the particular under the posited universal
3. executive – the real subsumption of the particular under the posited universal.

“Legislating – Judging – Executing” – only divided abstractly, in every act of “governing” all three are transformed at once.

Cf. to this PR §279 and E3 §542.

### 31 Separation of Powers and Origin of Force [*Gewalt*]

*Essential distribution* {?} – because the state – is the self-actualizing spirit.

This “separation” is development and thus “*sublation*.”

Not only the external purpose of order – of “distribution” and of the antitheses.

Constraint and surveillance arose.

Whence *force* [*Gewalt*] *itself*?

In spirit – as *knowing will*, the “*static*” {?} and grounding character of this.

### 32 Legislative Power

How today – ?

*The possibilities of legislation.*

Cf. Carl Schmitt, p. 10.<sup>4</sup>

*They lie in governing as leadership.*

*Legislative and Executive – no longer severed!*

### 33 The Question Concerning the Powers and Separation of Powers

*as political – i.e. metapolitical question – (not juridical).*

### 34 Separation of Powers [*Gewaltenteilung*]

in the *liberal sense* – a system of alternating inhibitions and of the balance of powers [*Gewalten*] – | mistrust and shrewdness |.

Principle of “dikes,” i.e. the whole stands in emptiness and is only seen each time from the perspective of the bourgeois individual.<sup>5</sup>

### 35 “Force” [*Gewalt*] – in the Misinterpretation of “Violence” [*Gewalttätigkeit*]

namely as unjustified intervention – impairment of personal freedom, of private property and its interests – of “free competition.”

And since this is the good (liberal), that is the evil and despicable, because – in accordance with the individuated wish to be alone, through this a counter will against every higher will occurs – which *thus* necessarily appears as “*violence*.”

“wild impulse” – licentiousness and “addiction” – over against *preservation* and negotiation, “business.”

*Misuse of force [*Gewalt*] – this as such the misuse of the will.*

### 36 The Unification of Powers in the Dasein of the Leader [*Führers*]

is not a mere coupling and heaping up (quantitative), but rather in itself already the starting point [*Beginn*] for the development of an originally new – but still undeveloped beginning [*Anfangs*].

This unification as return to the origin does not exclude a “separation” – in the sense of an articulation – whereby the members also emerge in a new essence.

### 37 People and Mastery

The massiveness and licentiousness and at the same time indolence of the “people” as “underclass” can only be overcome if the mastery over them – comes from the highest heights, which reach into the grounding depths of the *people* – so as to – establish and assert orders of rank as necessary.

### 38 The Modern Tripartite Separation of Powers

- 1) Legislating
- 2) Conducting (Administering) *Execution* – the substantial character of this
- 3) Administration of *Justice* [*Rechtspflege*].

Cf. how Hegel searches for something *essential* in the “corporations” and institutions – not simply *here the “individual”* and *here the “state,”* but rather “dialectically,” and that means here, however, the return into the originary essence of both.

Carl Schmitt far too extrinsic.

Quantitative 2:3.

### 39 “Authority” and Mastery and Power

*Original superiority* and thus mastery and thus power.

Where does the origin lie of what? Of historical Dasein – what origin [*Ur-sprung*] – means – i.e. emerging out of some first thing.

Essentially that which bears beings and the whole.

I.e. *being* (the each time abiding – truth of being – its breadth – depth – unfolding).

*Superiority* – not as compliance – rather – as already *lying* “*beneath*” *this*!

## 40 Separation of Powers and “Totality”

Something does not become whole – a totality through the addition of a supplement (because the whole must already exist).

But indeed something becomes a part through separation and indeed through a *self-separating* [Sich-Teilen] of the whole, such that this separation of the whole is willed *as* belonging to it and thus as tied to it.

“Total state.” Thinks in terms of what is not total – total state – like biological zoology.

The essence each time {?} *only* characteristic and thus – inessential and misinterpreted.

## 41 Constitution of the National-Socialist State

1. its starting point

2. its beginning

3. its ground

4. its origin [*Ur-sprung*]

“starting point” always if genuine – new

Anticipatory going forth [*Vorgehendes vorlaufend*]: production in advance [*Vorschaffen*]

Advance effect [*Vor-wirken*] of the beginning and origin and thus *grounding*!

*Law to Remedy the Distress of State and People*<sup>6</sup>

(*Reich law of 24.III.1933*)

Degrounding of the previous and founding of the New State.

\*

*Law to Remedy the Distress of State and People*

\*

*Law for Reich Governors, 7. April 1933*<sup>7</sup>

\*

Law to Ensure the Unity of Party and State<sup>8</sup>

1. XII. 1933.

*Reichsgesetzblatt I*, p. 1016.

### {III Civil Society and State}

#### 42 §257 ff.

§257. Speculative definition of the state – actuality of the ethical idea.

*Actuality* ≠ the present-at-hand – rather spirit as effective in its essence. | idea

§258. This effecting: Actuality is *unity* of the universal and individual.

§259. This idea of such a unity – as a whole in this essential development.

Three main directions. | Also in international law [*Staatsrecht*].

§260 ff. Actuality of *concrete* freedom.

To 271. *Classification*.

Cf. “*Universal*.”

#### 43 General Remarks for the Interpretation of §§260–271

*Essential* here the understanding.

The general character – “*Classification*” – for the passage, which has as its task the immediate actuality of the state as that of the individual (domestic law [*Inneres Staatsrecht*]).

Classification: Ground laying – the essence of the state – it essences as *unification* – in-finite spirit – this in the *self-becoming* toward the developed self-assertion of its self knowing essence.

The *main indicators* – in the conceptual formation and vocabulary. Emergence of the expression “*political*.”

Cf. above §257. Addition.

The state – no *empty* – *free floating* “*universal*” beyond the present-at-hand “*individuals*” *shattered* in themselves.

But also not some kind of formal-logical patchwork, so that both could be abstractly assumed, but rather each time historically the “*universal*” (necessary) and the *individual* – in their originary {?} commonality.

The state – as temporally and essentially what is earlier [*das Frühere*] – but in the “appearing” – the *coming apart* into “appearing” – to properly grasp and to preserve, i.e. to sublimate.

State as “unity” – “identity” in the sense of a conceptual bifurcation, §187.

“*Appearing*” – “diremption” – higher than

“*Preliminary forms*”

“*Basis.*”

The immediate – apparently “independent.”

“Idealism.”

1. The political
2. The essential stages of movement – bifurcation and return (thus *never* universal and individual “in themselves”)
3. Ambiguity (apparently) like family and corporation – basic pillars – and indeed they themselves *grounded*.

#### 44 Family and Civil Society in the State

*Natural* and *artificial* “basis” of the state.

Do they make themselves into the state?

Are they what is authentically actual?

The actual spiritual existences of the will, wherein the state has its Dasein?

The authentic agents?

*No!* according to Hegel – rather appearances and as such *conditioned* – not the conditioning!

Indeed, Marx too!

#### 45 Hegel’s Concept of “Civil Society”

no liberal-democratic conception of society, rather a *state!* Here: on the basis of a formation – i.e. projected and conceptualized in terms of and for the people.

Where possible an historically indicative transition.



## 46 Civil Society and State

### 1. civil society

*Foundation of the state* (the “constitutional state” [*Rechtsstaat*] of the 19th century borne by civil society and its ethos! (of the individual!)).

2. the state the ground of civil society – as its authentic truth – the state is also each time that which is *historically* first, *prior* to civil society.

### 3. ambiguous in Hegel!?

One moment civil society as ground – one moment the state?

No – | only the “*family*” and corporation are the “ground” – but in what sense? Essence of *ground*.

“Corporation” | Civil Society

the institution for the actualization of the universal end, i.e. of the second Estate:  
“industry”

Estate and Ability

Work

Need

\\

| *Family* |

## 47 Unity – Identity

1) the abstract – with exclusion of the differentiations (these are not at all considered – propositionally!)

2) as *identity* of the immediate determination and thereby first *appearance*.

Coming apart – each for itself.

## 48 Appearance and Being

“Appearance” the higher as the immediately present-at-hand as the supposedly independent.

But indeed merely what has come apart – relationally – “inner” – “subjective” – §187.

## 49 Configuration of the State and Concept of the State

1. Concept *historically* as the unfolding of a fore-conception
2. *Configuration – History – structure of the constitution – but “historically.”*  
*Knowledge* concerning the state – what sort and how variously necessary.  
 What is at work in all this: *Powers – Forces – “Ideas” – People – (Race) – Work*  
 – Leadership – “*Unity*” / “*Honor*” – “*Reich*.”  
 Where and how “*metaphysics*” – as original *leaping* back and forth – *historical*?  
*State* as *being* of the people; being of care.  
*Question of being.*

## 50 Thinking of the State and “The Political”

Cf. □ 1 ff.

1. metaphysical – historical
2. *sociological – “positivistic.”*  
*ad. 2) the individual and the community – the state as association*  
     – and *one* among *others*.  
     “relational truth” – but neither for itself nor as point of departure or goal.  
     *To this* there belongs also thinking as *organism – “biological.”*  
     Terrible metaphysics also everywhere in (2).  
*ad. 1) metaphysical. Expressly – knowingly! Questioning – not this or that being*  
*[Seiende] or something present-at-hand in the appearance of the state – rather, as*  
*being [Sein]. If (which?) beings [Seiende]: this being [Sein] original and whole.*  
     Hegel: “spirit” – freedom – thinking – “absolute idealism.”  
     Which *thinking today?* in National-Socialism?  
     Bearing and Mood –  
     Transition – | “Concept”  
     Balance  
         Christianity  
     Holding apart.

## 51 State – *stato*

*status rei publicae*<sup>9</sup>

Cicero –

*Condition* – in condition – to be a constitution.

Why “constitution”?

Inner necessity?

Condition of *public* things.

## 52 *status*

Standing – Stance – “Stature” – Magnitude.

*adversarios de omni statu deicere*<sup>10</sup> – to upset [*aus der Verfassung bringen*].

*status causae* – status of a matter under investigation.

στάσις.

## 53 “State” – *status* – Stance –

*How it stands* – with] the people – for the kind and manner of this being [*Seienden*] – how it is.

This not a condition – existence – but rather originally the state.

The *steadfastness* of the historical world – being.

“State” – not as a being – something like a people – movement – for whom what is present-at-hand of existence appears as inventory maintenance [*Bestands-*], administrative obligation [*Verwaltungs-*], and judicature [*Rechtspflege*].

## 54 State for Hegel

1.) the “*international state*” – as state of necessity and of the understanding; cf.

↑ §183 transition §157!

2.) the domestic [state] – essentially meeting the world – state – the “*political state*.” (The “higher, substantial state,” E3 §534, 10: 329/263)

More essential – presenting the essence – *stately* state! [*staatliche Staat*]

3.) the “*spiritual state*” – World-spirit – in its history – work – itself to itself – to bring – actuality of freedom in itself.

(the “*mathematical state*”)

“adornment” [*Aufmachung*] | “dress up” [*macht Staat*]

“State” – here “*broader*” than the political!

And *nevertheless* – the political the essential core for the true actuality of 1 and 3.

“Broader” – in the sense of something formal – but not of the *essence*. –

## 55 The International State

“The selfish purpose of the individual is increased and ingrown in the interweaving of the welfare and right of all” (PR §183, 7: 340/221).

Necessity – indispensability – only thus actual and secured. §182 ff.

This system as the international state. The system of an ethical life lost in its extremes.

The universal still *only* a “domestic” (subjective) foundation – representation – appearing only in the particular.

*But this illusion is necessary* ← thus for the *appearing world* of ethical life.

The reality of the idea is here *abstract* – idea here *only* “relative totality” – “inner necessity.”

## 56 “State”

should consist in the “*fact*” that one commands and the others obey!

“Government” and “people” – division!

The state *is* precisely in that it becomes a *unity* as original.

This *unity* – only the foundation. This must itself *become* itself – “develop” – differentiation.

The state “is” – as *historical* being [*Sein*].

## 57 Hegel and the National-Socialist State

On 30. I. 33 “Hegel died” – no! he has not yet “lived”! – there he has first come *alive* – just as even history comes alive, i.e. dies.<sup>11</sup>

Nevertheless – precisely for this reason a “renewal” is not possible.

If one takes Hegel in terms of the philosophy of the state as a metaphysics of the bureaucratic state (the state is “spirit” – because the officials are learned and scientifically educated), then everything becomes senseless – this is a mistaking of the essential motif of the Hegelian idea of the state with the “facts.”

Nevertheless! Where are the essential limits?

### {58 The Historical World}

People

State

*Reich* – the historical world – as fore-conception – creatively unique – not as result.

## IV Abstract Right and Morality

### 59 Conscience

1. “Kind”; 2. Content! – Questionable distinction.

Kind of “individual”; but who “is” the individual and is it not precisely the conscience *in itself* that determines this *being* [Sein]? does it negate it?

What is “content” for there?

\*

1.) true – untrue – (erroneous)

2.) genuine – ungenuine {...}.<sup>12</sup>

No criteria – as absolute! Yes – with such a demand and question here everything is extrinsic.

On the whole a basic approach – conscience in disposition – this in *history*.

From here also no distinguishing: conscience – “mere construction” – which first should be justified!!

### 60 State and Conscience

“*Threat*” of the state through the appeal to the *holiness of conscience*. / ?

Behind this “oppositional spirit.”

### 61 Disposition

more originally *as conscience* (formally moral, i.e. abstract self-consciousness of the will).

*Disposition and mood.*

Being attuned as self unfolding in disposition.

Steadfastness in “truth,” i.e. simultaneously {?} *resoluteness, perseverance?*

## 62 The Right of the “Subject”

*Philosophy of Right* §132:

“The right of the *subjective will* is that what it is supposed to recognize as valid, it will *regard as good*” (7: 245/158).

## 63 Duty

| In accordance with duty, out of inclination, out of self-interest, out of duty. | is “*the necessity of an action from respect for law.*”<sup>13</sup>

For the sake of the *law*. *The good* – as what is essential of the will (abstractly for the individual) is *obligation* – *Duty* – the *universal abstract essential*.

*Duty for the sake of duty, the unconditioned.*

*The determinationless as determination!*

“The *moral standpoint*”: Principle: formal agreement with itself – *contradictionlessness*.

The *conscience*: the *infinite formal certainty of oneself*.

*Certainty* of the moral subject, thus: *not* the truthful.

## 64 Morality. Kant

Good without qualification – is only a good will – i.e. a will – that only wills (itself) for the sake of the law – not by that which it *effects* – i.e. *from out of duty*.

Necessity of acting out of respect for the law.

*Contra duty* – striving against duty – (although possibly useful).

*In accordance with duty* – but *without* inclination.

Purchasing – not to fleece the customer – honest service – out of business interest – *in accordance with duty* – and inclination as well – immediate – honest from out of love for all, harming none.

## 65 Right = Duty (empty)

for right itself [is] the moment of subjectivity.

Morals has this for itself alone.

*Both one-sided.*

§155. On abstract right – I have right and another has a duty against the same.

In morality only the right of my own conscience and willing *should* – be meant by duty.

In ethical life the human has “right in ethical life insofar as he has duties and he has duties insofar as he has rights” (PR §155, 7: 304/197).

*To have a duty* [In der Pflicht stehen] = *To have the right* [Im Recht sein].

## 66 Morality and Ethical Life

The good – the abstract universal (the good that should be).

Conscience – the abstract principle of determination (the subjectivity that should be good).

*Both: the determinationless that should be determined.*

The *concrete* individuality of both is *ethical life* – ethical life *the relationless identity* – i.e. to be a heathen (not only to believe in a pagan religion) – it is the actual vitality of self-consciousness.

Cf. §153: 1. self-will of the individual has vanished

2. the universal good is a *motivating purpose*.

The ethical: *the effective good* – in the individual – as *righteousness* (§150).

## 67 Person

the infinitely pure relation to myself – in every relation, the *universal*.

I – am “I” – wherein all restriction and determination *is negated* and the universal is affirmed – not a mere and *present-at-hand self-consciousness*.

*Contains the “legal capacity”* [Rechtsfähigkeit] in general – recognizability and *giving recognition*.

The entirely abstract “*standing within oneself*” – inessential here along with religion as insight and intent.

But: “I” here always as flight – pure negating.



I – am I myself and my relation to the things – I need these – in order to draw myself back into them.

Thus – self-gathering only in the *having of these*.

## 68 Abstract Right (Civil Law [*Privatrecht*])

Classification:

1. the self as mere legal entity [*Rechtsperson*]
2. the universal (essence) as extrinsically binding order.

One-sidedness: *detachedness* [Ab-gelöstheit] of both – and the alienation [Ent-fremdung]! Thereby inner unboundedness *not sound!*

*Does Hegel mean – civil-law [Privat-recht] would stand on its own outside of public constitutional law [Staatsrechts] – ?*

## 69 Morality – Subjectivity

The immediacy of the (one-sided) *in itself* – is to be sublated (through reflection *in itself*) in the *infinite subjectivity*.

Self-determination of subjectivity. Recognizing only what I myself want (intent [*Vor-satz*]).

The universal good – | indefinite and without force. |

# {V Hegel's Systematization State – Spirit – People}

## 70 Our Plan

### A. *the immediate intention* –

philosophical meditation ( – knowing – ) upon the state.

Philosophy! – | State!

*Fully obsolete* undertaking – movement – struggle – | not “books” (!) – but *nevertheless* – not from obstinacy! – rather from out of the belief that our people must still exist in 50 years as well.

Longevity of an historical people – only from out of *spirit*.

(“spirit,” however, not that which stands in “books.”)

### B. *Our intention* –

with reference to *Hegel*.

*Why Hegel?* | other philosophers indeed have thought *about* the state.

#### 1.) Philosophy – completion of western philosophy |

Antiquity – Christian West

#### 2.) State – 19th century essentially determined *immediately* (positively) and *mediately* (negatively (Marx)).

“*Liberalism*” – “liberal” – “freely” [*Freiheitlich*].

Hegel's philosophy – cf. *freedom*!

### C. *for beginners* –

nothing presupposed.

#### 1.) *negative*:

a) no technical or academic knowledge – the sort leading to philosophical work – the sort now once more necessary for everyone.

Labor – *something bitter*!

But *a few things are to be gained*.

b) above all no knowledge of *philosophy* – from wherever it was read and snapped up – without truly having been appropriated – leaving the like at home – or as included in an exam.

But this means! now

2.) *positive* – the *will* to a *genuine* knowledge – truth of essence – clarity of the essential concepts – originality of the grounding of truth.

D. *Approach* –

1.) a *text at hand*.

in many regards what is available is *something makeshift*.<sup>14</sup>

a) only *selected* passages about Hegel's thinking of *the state*

b) this is inconceivably poorly done – but up to now nothing else at our disposal – what E. D. {?} showed at various times.

*Here: incidentally* – rectifying and completing. The garrulous introduction of 90 pages you can spare yourself – covers only a poor *baseless lack of knowledge and sloppiness*.

2.) ever again back to a part – but at the same time a free *talking through* and reaching out – *report* on the previous hour.

E. *Start* – with the passage from the *Elements* [of the *Philosophy of Right*].

Here the authentically finalized Hegelian doctrine in its complete grounding.

Read the first paragraph!

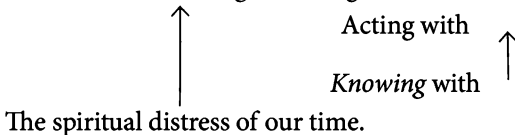
Every word and every sentence requires an elucidation – *thus it requires some preparatory training*.

F. *Preparatory training* and indeed in *two* directions –

1.) Hegel's procedure in his *philosophizing* – (dialectic – *as* systematic)

2.) *State* – *to what this belongs* – *in which realm we are moving*.

What kind of *knowing*. Thinking with



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*Approach* –

*first* development | *dialectic* – *as method* – “*misuse* {?} – *Aristotle*”

*then*: meant – immediately – *about the state*.

*then*: how Hegel must proceed. *Dialectically* – and that means *systematically*!

“*System*” *will to system* – “*lack of righteousness*,” *Nietzsche*! for whom philosophy is “a character sickness” “*fraud*.”<sup>15</sup>

And thus decisive – *where* does the state stand *in the system*? I.e. how is it determined in its essence through dialectical development.

*Conclusion:* Speech to the men at the opening of the Berlin teaching engagement.<sup>16</sup>

Where does the state stand – in the system?

- 1.) System – *in terms of content* – | historical memory |
2. State in philosophy of law [*Rechtsphilosophie*].  
State and right.  
Spirit – “God.”
- 3.) *Definition of the state* – §257 f.  
The realms: Spirit – (ethical) – will – freedom.
- 4.) Essential determination – *will – freedom!* – “*Freedom of the will.*”  
*Summary: up to now threefold:*
  1. Hegel's philosophy according to its method and object
  2. Insight into jurisprudence [*Rechtswissenschaft*]
  3. in the mean time {?} at hand §257 on will – freedom.

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*Preparation for the interpretation of the authentic Hegelian doctrine of the state – Hegel's doctrine of the state according to the Philosophy of Right:*

- 1.) The *systematic location*: a) the philosophy of right
  - b) within this – according to *right and morals under ethical life* – as though the *state would be derived from right*  
“Right and state” ↘
  - c) as though the philosophy of right was something *in itself – objective spirit* – on system “location” – “the chair”
- 2.) *The double illusion generated by this.*  
N.B. why the Hegelian system is the only one.
  1. because what is to be ordered – is itself the order
  2. because this is thought as *absolute*
  3. because this thinking *is enclosed in itself as required*.  
“In-finite” – “self-knowledge of oneself” – and *indeed!!*
 cf. to ff. *interpretation* – §257 ff.  
→ *If illusion: how* then to read and conceive what comes *before* §257?

3.) What is the truth concerning the location.

State the ultimate – because that which “sublates” everything in itself – because *ground and bearer* – | history – God – |

Question concerning the state – what does it mean to *know* its essence?

4.) But why this path?

Presentation and grounding of knowledge through sublation of *one-sidedness*.

5.) *Summary: Question concerning the state precisely not of jurisprudence [Rechtswissenschaft] and legal philosophy [Rechtsphilosophie] – but rather the reverse, these in question according to objective spirit and state.*

N.B. why the *Philosophy of Right*.

*Natural Law* (“essence”) / – not “natural condition” – *before* the law!) and *Legal Philosophy in Outline – Elements of the Philosophy of Right*.<sup>17</sup>

*Purpose of the usual teaching activity!*

“Logic” in order to sublate “logic”! And so here!

6.) Not “*the law of princes*” [Fürstenrecht] – rather “people’s rights” – but all this only *as grounding of the state*.

7.) Spreading *knowledge* of the state.

“*The state*” (ideal state?) – *which? historical; only to establish*.

*Actual* – the effective – “at work” – every “more individual” and in itself “*more particular*” – history.

*Transition* – in *every respect a monstrous task*.

*Existence* for this – ! how?

Cf. *Interpretation* 1 ff.

## 71 Hegel – On the State

### The Systematic Location

The state is not found just anywhere – because it is there *as well* and philosophy treats of everything, but rather: *location in the system* – (absolute actuality).

“Fish in water” and not in the air.

*Definite conditions*, which must be and which it makes, *what* and how the state must be.

→ “*What is the state*”? – thus – shot from a pistol – one can ask – but one cannot answer – rather the answer – is merely the true question:

- 1.) in what direction are we inquiring there?
- 2.) and what is the indefinite presupposition?

*Neither is asked* – rather one supports himself on any answer and claims whichever sordid theory – as though this were already proven – only because it is there.

## 72 System – In Terms of Content

“Order” – 1.) ways of ordering

(?)

*Aspects*

a. *external*

b. *emerging from the matter*

c. essentially required, insofar as the matter itself is the system

2.) What enters into the order

3.) *Ordered region* | “*space*.”

System – in rigorous Hegelian sense.

“*System of science*” as *philosophy*.

“*System of philosophy*”! Philosophy – classified into *departments* – something classified.

*Philosophy* – according to departments – teaching and learning areas – thus according to object and manner of treatment.

I. the first known – scholastic! – departmentalization

λογική – φυσική – ήθική

World History

φύσις

*human*

*history, customs*

λογός – to address – to discuss – to determine.

II. “*Metaphysics*”

Theology – Cosmology – Psychology – Ontology

III. Descartes. *Substantia* – *finita* – *res cogitans* – *res extensa*

*infinita Deus.*

## IV. Kant

## V. German Idealism – Hegel

Spirit as absolute.

Hegel's *three-fold* systematization.

## 73 Metaphysical Sense of Right. Hegel

*Being recognized* – in right – *to be right*.

Independence [*Selbst-ständigkeit*] (cf. *Master and Slave*)  $\rightarrow$  “Power.”

Selfhood – as self ~~knowing self-consciousness~~.

Spirit  $\rightarrow$  Material – Knowing.

To recognize – as a knowing letting be of oneself – as a self-knowing – a mutual bringing of oneself to oneself.

## 74 Spirit and State

*Where this* – there an already being recognized by *self and self*.

The “subjective” spirit – not somehow the “individual” subject – rather only – in the *observation* – abstract – “*for itself*” – “*in itself*” – what is to be found there in abstract relations.

The “objective” – i.e. the *existing* [*Daseiende*].

Where spirit – there being recognized – where [there is] being recognized [there is] right – where right, the state – (*not as “consequence”* – rather *already* posited along with this as *what is earlier*).

## 75 State – In the “Philosophy of Right”

I.e. absolute – dialectical-systematic knowledge of right – its “idea”

*Concept* – it gives itself its actuality – “Idea” – absolute “concept.”

*Right* – but “given” for legal philosophy – and indeed not only positive – *posited* – on hand – rather – *essentially* – that something of this sort “is” at all as “*spirit*” – i.e. right extends itself to the world-spirit as to freedom *at once*.

## {76 State and Freedom}

State

Right

Spirit – Intelligence

|

Will – | practical spirit |

|

Freedom.

## 77 Further Approach

State –

Between – Metaphysics of spirit and positive formation of *right*

– Jurisprudence [*Rechtswissenschaft*]

“Jurisprudence and political science faculty”

| *nonsense!* |

Wolf<sup>18</sup> on this –

## 78 Hegel – Concept of the State –

If also in the end our concept of the state is a different one – that is a matter of the coming history.

Then indeed – Hegel – the *completion*.

The magnitude and height – never *thought* and developed *prior to this* nor now after this either.

*Autarchy of Dasein* – the historical only from out of an essential superiority | counsel.

I.e. however sublatedness and power of sublation in knowing and *counseling*.

If not a stone is left standing – inevitable – to go through this knowledge and its essence – the greater the coming task – the more forceful [*gewaltiger*] the powers – the higher and more rigorous the “*grasp*” [*Fassen*] and not to get mired in the “*mush of the heart*” (PR Preface, 7: 19/16).



## 79 State

Can it be encountered? – No.

And is the manner of its encountering an essential revelation or only “appearance” and indeed even this only under the condition of the respective relation to its truth?

## 80 State –

what is inquired about there?

a “thing”

“human”

*everything questionable*

nature

and

history

*confused!*

people

*machine*

aggregate

functions – simply there!

Cf. German Christians<sup>19</sup> – Church controversy – is this collision accidental??

No!

## 81 State

*Where?*

State and everything possible.

*State and people.*

State “and” . . .

The “state” itself.

*The essence of “the state.” What or who? “Leader state” [Führerstaat].*

a) supra-temporal

b) formal indication

c) our state.



## 82 On the State. Hegel

Not, among other things, opportunely taken up somewhere – rather “location” in the “system.”

- 1) *what that means* – a) being distinct {?} from system  
b) of the Hegelian system.
- 2) *where is the location of the state?*

## 83 Where and Who and What and How Is “the” State?

“The” state – 1.) “our” state

- 2.) contemporary states
- 3.) essence of “the” state / “essence” – “beyng”
- 4.) formal “indication.”

*Where and as what is it to be found?*

Prohibition – Regulation – *Command* – Will – | “I” – “Self.”

Wish – Desire – Appetite – Striving – Urge – Drive – Propensity  
– Inclination.

## 84 How Dialectical Philosophizing About the State, for Example, Cannot and Must Not Proceed

*Not:* there are here and there different states and forms of state – (material) – then *abstracting* the “universal” concept of the state (“abstract”) and *then applied to the contemporary*.

*Rather so:* the true – (the state) – “we want to regard as a result” (PR §32a, 7: 87/61–62) – in this form!

Why do we want this and with what right?

Because for us – *beyng* – concept – being thought [*Gedachtsein*] in this sense!

## 85 Dialectical Thinking – Conceives and Is Being Itself

“Becoming” – “Development” – Unrest.

In its completion in itself the development of the *content* – soul of the same.

To observe something *rationally* – *not to* view it extrinsically – rather the inner law of being.

*Provenance* – to bring to enactment.

(The individual as individual obviously only an onlooker).

## 86 Dialectic as (Absolute) System

System: To What Extent “Completion” in the Authentic Sense?

1) three fold employment of system.

2) Dialectic – Logos – Reason

“*Being*” – “*is*”

“*Category*” – as determinations of being

the *in-finite* Logos.

3) Dialectic – System and absolute spirit

*res extensa* – object

*res cogitans* – subject

reason – spirit.

## 87 Hegel's Systematization and its Development

1. up to the *Phenomenology* – the Kantian guiding thread – cf. Jena system

2. System of Science

1. Phenomenology

*Phenomenology*

2. *Logic*

3. *Logic* – independent

*Logic*

4. *Encyclopedia*

Logic

Philosophy of Nature      1–3 *sublated* {Encyclopedia}

Philosophy of Spirit.

## {88 Hegel's Systematization}

*Logic* – absolute self-observation of God before the creation.

*Nature* – the Son of God, but *not as Son*. | E3 §381a, 10:23/12! – rather as the persistence in otherness – Bacchanalian God – “*exuberant*” – “not grasping himself” nor *reining in* (E2 §247, 9: 25/14). *The path* – to *return* – as to the essence of spirit.

*Spirit* – subjective – objective – absolute.

## 89 Hegel's – Systematization

*Spirit* – *Philosophy of Spirit*

Development – and position of right.

*Philosophy of Nature*.*Logic*.*Encyclopedia* | *no mere “aggregate”!*

## 90 The Authentically Actual –

above all – spirit – (absolute knowledge) – self knowing self-consciousness.

And therefore only and authentically to be effected in philosophy.

*But this* | *at the end*.

The self knowing truth of revealed religion – Christianity.

One's own time grasped in thought.

The *in-finitude* – as *conclusion* – and still only the *unfolding*.

## 91 Essential Knowing

this as what – without an elevation of the self – also *no individual*.

“*Fact*”

## 92 Scope of the Dialectic

Back and forth – going – | *Dissolution – confusion*.

“See-saw system” (E1 §81, 8: 172/128). –

Cf. *Aristotle*. Met. Γ 2, 1004 b25.<sup>20</sup>

Only *attempting* – *questioning*. “*Approaching*” [An-näherung] – Hegel, *Philosophy of Right* §31.

Not authentically “*knowing*” – (not yet in the truth).

While for Hegel – *yes* –

## 93 “The Infinitude”

“the innermost of speculation.” PR §7, 7: 55/41.

In-finite 1.) the *end-less*:

a) *End* | simple *cessation*

not πέρας

b) -less – the perpetual *etc.*

*outside-each-other* [aus-einander]

2.) what exactly has “ends.”

Return [*Rück-kehr*] – in itself – *completed* [voll-endet] – i.e. the whole encompasses and it “*is*”; to *sublate* the bad end. For example, the *truthful* will.

Cf. Innocence [*Un-schuld*] – without guilt [*Schuld*] – *negatio* – the master of guilt and thereby remaining within it.

The finite – no longer stands over against [the infinite], but rather is *included therein!*

## 94 The In and For Itself

In itself (“the concept” as present-at-hand, not yet the true) – for itself – in *and* for itself.

## 95 Beyng and Concept – Idea

Something *is* only then speculatively-dialectically thought – i.e. as “self” knowing appearing in itself” – this being known [*Gewußtsein*] is the authentic being [*Sein*] – it is *the concept* – Idea – of absolute “idealism.”

## 96 Not – Negation – Sublation

Sublation = *tollere* (prohibition) – *conservare* (remembrance [*Andenken*]) – *elevare* (raised position). “Tool.”

The “absolute” already lying at base.

Cf. the historical situation.

Absolute truth of revealed religion.

## 97 ἰδέα and Image

Copy – Concept of “the image” – *ἰδέα τοῦ σώματος*.

Negation – “nothing negative” – *it outlives itself: as sublated*.

## 98 The “Not”

1.

- a) μὴ ὄν            ἀπλῶς
- b) μὴ ὄν            καθ’ αὐτό – στέρησις –
- c) μὴ ὄν            κατὰ συμβεβηκός

Nature – for example it is now not a table (wood).

*Possibility* – in itself “*null*!”

2. blind – null – and nevertheless – *everything cannot* be “blind,” rather only *something entirely definite* – this in relation to itself.
3. Wood – which is *not a table* – or a chair – or a chest – or even Mozart's sonatas, but nevertheless!

## 99 Of No Use

- 1.) *generally no standard* or point of view.

If thought – then as something *universal* – not like a shoemaker – *something essential* – and thus

- 2.) not at all to be decided without further ado – perhaps after a few years – perhaps with 40 – sudden insight – to indeed have use for this – but then always too late
- 3.) in the end and above all indeed – no insight through the customary thinking and the usual slyness.

*Automobile* – *Technology* – *Physics* – *Galileo* – *Aristotle*.

If they had thought – (not automobiles – but rather of the “state”!) [that thinking is] really of no use – then – [there would be] neither deed nor machine – indeed one gets along even without these – but still never without Aristotle.

Mathematical { } philosophy | then also never, never mathematics –

## 100 First Hour

*Cheap* and calculable – nothing *risked* – only in the last hour does a light go on – only after a few *semesters*.

## 101 Do We Need This?

| To drive a car  
 | Physics  
 | Mechanics  
 | Galileo  
 ↓ Aristotle

Everything just so in the car – could be – but – precisely the proof – that it goes on without this.

Yes – ! Compare – occupation as jurist, as teacher.

Like driving a car.

If however – machine construction – physics – but indeed not Aristotle.

Auto | Right

Physics | State

Philosophy

[110]

## {102 State and People}

1. Shoemaker – baker? law – philosophy

which in the precise sense is different – “Result”

2. *also not* – shoemaker – rather “more.”

How so “more” – “better” – now maybe worse.

If *not* up to *the task* – “*judging*.”

Even if the right is National-Socialistic – then still nothing is done! Then there can arise exactly the same as what *we already had*.

*State – People.*

## 103 What Can I Use From That?

1. no one knows, what he will one day need

2. for the sake of that which we, however, each time actually need, are able to need, we must have more than what we *need* – *example!*

3. this essential more – | essentially necessary

a. and its inner necessity

b. the kind of appropriation

c. the *illusion* – *the superfluity*

which looks just like that ↑

d. but how to see through this illusion otherwise than on the basis of a genuine essence.



## 104 Erroneous Doctrine

| Pragmatism  
| Americans!

## 105 The Appearance – The Idea

as self determining for an effective deed – wherein spirit knows itself as extant [*seiend*].

Thus idea – the self-appearing in its self-knowing.

## 106 Who the Authentic “Nihilists” Are!

Seeing and grasping the nothing and making *blindness* into the principle of truth.

## 107 Dialectical Method

*Cf. Plato – Sophist – and Hegel's History of Philosophy*

## 108 What Is and Where Is the State?

*The state* ←?

## 109 The Location of the State in the System of the *Encyclopedia*

a) *schematically arranged*

b) *thematically – founded in terms of its fundamental position.*

## 110 Philosophy

essential and decisive *knowledge* concerning the state.

As knowledge of historical Dasein neither philosophy-history – index of a system – nor theory of the state and its definitions.

Often important to know – but *in advance: essential clarification* – not the immediate goal – rather the *preparation* – for thinking with – interests and actions – everyone in their place.

One of the most compelling spiritual *distresses* of the time – unnoticed – *astonishing*.

## 111 The Apprentice in the Paper Shop. Knowledge

in the *chemical* factory – in the *chemistry* laboratory.

The reverse – here – *knowing* – as *essential power*.

Now is to be admitted – this knowing at times questionable – no discovery.

*Already before the victory.*

And not for this reason – because it concerns itself too narrowly with praxis – but rather too little and entirely no “theory.”

For – then of itself – essential!

## 112 Hegel and Us →

1) neither artificially bent into shape

2) nor rebuffed with unwitting scolding –

rather from the ground up overcoming – because this

1. Confrontation with the Ancients – Christianity –

2. Fore-conception into the Future.

“*World-view*.”

## VI Exercises on Hegel – State

### 113 Exercises on Hegel – State

Beginners – (*philosophical* work) not in terms of *legal* philosophy [*rechtsphilosophisch*] and at first to know of philosophy not more essential – than [to know] of the state.

For if the former, only then the latter; but never the reverse – for then without philosophy – the state is never grasped – perhaps *formed* – but even this only *one* side.

It appears however to be the *essential!!!* But the provenance and future of *state formation* [is] the *history* of the state!

### 114 State

neither the devil – nor a god – but also nothing indifferent – indeed in ground a *contrariety* – a fine one – just as hardness and compulsion [are] an essential necessity of Dasein – therefore no beautification and factitious ingratiation.

But also no repulsion – rather honestly – and knowingly positioning oneself in the state and thereby empowering it.

Correspondingly – the source – *people*.

Basic question concerning the state: to where – from where?

*Philosophy!* in a genuinely other sense {?} | not the state – this occurs otherwise!

*State* as beyng of the people.

Certainly – but what does *beyng* mean?

Beyng and fissure (conflict and πόλεμος).

But also not lagging behind – fumblingly concocting a *justification* [Rechtfertigung] (which itself is groundless) – rather to endure the *authority* of the state in its full severity – even then: where the people professes the will as their own – even there obstacles to overcoming and to the *lasting conflict* – *no paradise!*

*Philosophically* – conceiving the state in a world that is to be configured in part by it – to put (beyng) into it and thus to bind oneself.

## 115 Hegel on the State

A philosophy “about” the state – suspicious – awakens mistrust – rightly so.

*Surely not*, if only baseless – writing about things with snatched up slogans – lacking danger – ; moldering in its own swamp.

But *where an actual philosopher* – compels to decisions – there – mistrust – reluctance – resistance – *struggle* – and actual effectiveness of spirit.

But *this philosopher* must encounter us as such. –

## 116 Where Is the State?

*The spiritual* (how this – the *absolute spirit* – spirit as “thinking” – “subject”).

Thinking (Intelligence) – free activity: Sublation. §21.



*The Will* (cf. PR §4a, 7: 47/35–36)

*Freedom* (cf. Logic – the concept – idea).

The in and for itself free will.

## 117 Spirit for Hegel

Reason as divine thought versus – understanding as human thought (RR 11: 44–46/229–30).

Cf. Hegel *Encyclopedia*, EH §334.

Cf. Introduction to *World History*.

Cf. Introduction to *Philosophy of Right*.

Thinking *reason*.

Cf. *C!*

*Eternity* – equal to itself – calm – present – sated with the past – futureless essence!

Thinking – as *sublating* – all discarded stages – leveled – liberated – and only to “remember” – and to “cognize” dispassionately the already *enacted* reconciliation – knowledge.

*Liberation!*

Spirit – the “thinking” that negates negation (knowledge – *consciousness*)!

## 118 Feeling and Right

EH §390, 274/185.

## 119 The Starting Point of the State

EH §355, §358 back. Struggle for recognition – and subjugation.

## 120 Hegel

Phenomenology and Kant.

Cf. EH §332a.

## 121 Preparatory Exercise. Hegel. “Method”

“Dialectic” – Method – as fully “concrete” on all sides – not abstract one-sided “thinking.”

To think through all *that* the essence of thinking requires in its steps and definitions and how it requires these.

*Not finite* – rather in|finite – (closed on itself – turning-back).

*Sublation* – *Negativity* – as negation of negation.

Origin and essence of Hegelian thinking in the concept of the absolute – as spirit – the “I” knowing itself in knowing.

A few sentences.

1.) cf. on tool and labor (*Jenaer Realphilosophie*<sup>21</sup>)

1a) from the *Aesthetics* –

- 2.) the different “is” the same – difference “is” sameness [*Selbigkeit*]
- 2a) “consciousness ‘is’ self-consciousness” (E3 §424, 10: 213/165).
- 3.) Being and nothing are the same
- 4.) *what is rational etc.*

The “is”: essences as ... – whereby “essence” precisely as relinquishing and in its sublation [is] an unreal determination.

The usual “is” – | It is cold – the room is lit.

## 122 Hegel. State

“In the state alone does the human have a rational existence” (PH 12: 56/39).

What is rational is actual; and what is actual is rational – cf. PR Preface, 7: 24/20.

The “is” the un-real, merely extant [*Da-seiende*] – accidental?

Reason. | Absolute spirit |

An optimist!?

Relation – Valuation – Actuality.

Discourse – Race [is] never existence itself.

Then theories of kinds {?} – even they {?} – do not accomplish this – but actually?

## 123 The Hegelian “Is”

What does it speak to?

To this:

1. Negation – why and whither? – but where is this from? Which basic conviction? 1.) *theological!*, 2.) logical truth
2. a higher and more mature preparatory mood for “essence” and concept.

Decisive in the progress of philosophy:

“Knowing what one has already said oneself.”<sup>22</sup>

The already said – something spoken within it! [*mitgesprochene*]

Something recovered in absolute knowing.

Whereby – through which fore-conception is this announced and measured?

## 124 Hegel. On the “Is”

The – (apple – pear) is “fruit.”<sup>23</sup>

Formally posited next to the *particular* as *particular*.

I want “fruit” (and not pears . . .)?!

The thinking of the universal posits *a particular and thereby contradicts itself*.  
What *particularity* [Be-sonderheit] does the “universal” have?

It is severed [*ab-gesondert*] – an other against *the particular*. But in the severance it unfolds itself as simultaneously *the same* – and *thereby as belonging together!*

## 125 Hegel. Exercise About the State

I. the *scales* for the *thinking of the state* broader and more originary than ever –  
and at the same time the *conflict* –

| *no exacerbation!* |

breeding for the future



II. the *seriousness* of philosophical thinking

“service” – “*discipline*” – when posed to oneself and as a *task* – “*to not shirk from this.*”

126 {Erik} Wolf<sup>24</sup>

“Right”

1) *Natural-law* – *philosophical* – right

*people's* [volkhafte] *history*

*Nature* –

*but in terms of a people* [volklich] outside of history

2) *the formation of law* [Rechtsbildung]

a) Essential transformation



b) control of content.

## 127 Deciding the Method

that of “*speculative knowledge*” (PR Preface, 7: 12/10).

The continued pursuit of a subject matter – so much so that this thereby first *unfolds* itself – and *from out of what*?

“The whole {of the *Philosophy of Right*} along with the arrangement of its parts rests upon the logical spirit” (PR Preface, 7: 12–13/10).

And this | “science” decisive for Hegel.

(On the basis of what fundamental position?)

### {128 State – Movement}

State – Movement | People | History – Nature

The Political

Calculation  
and Deed

~~Dasein~~

*Poetizing*

*and Thinking*

Being

## 129 Sovereignty

Self-reliance of the will to mastery – “*Elevation*.”

## 130 The People’s Disposition to the State

What does it emerge from?

How transmitted and clarified?

How it produces the space of Dasein.

## 131 State

1.) our immediate experience of the state today

a) *what* we experience. b) *how* we experience – what that means – at the same time pre-directives into the question of essence



- 2.) our *contemporary* knowledge of the state and the like in general
- 3.) the original questioning and the opening of the world and of *the region of being*.

## 132 Hegel. On the State

But even so “on” *philosophy* and particularly “*how the state is to be recognized*.”

Indeed one cannot blather enough about the nearness to life of the sciences and of the distance from it of “professional philosophy” – but one should then at the same time permit oneself to judge the things that actually do stand entirely far from oneself.

## 133 Law and Custom – Ethical Life

Law – in the *knowledge* of right are  
 this knowing – a willing  
 this willing as *bearing*  
 this bearing – as *custom*  
*ethical life*.

## 134 Freedom

“*The sole truth of spirit*” (PH 12: 30/17).

“The being-*by-itself*”! – knowing of itself – wanting itself!

It is active – i.e. in constant sublation of that which threatens freedom.

## 135 Spirit and Independence – “I” – People

WH 36.

*Spirit* – is *essentially* an “individual” [*Individuum*] – but – individual is essentially of a *universal* nature – but a *definite one* – i.e. a *people*.

### 136 Freedom “Is” Only in That It “Becomes”

in the struggle for recognition – as struggle *for freedom*.

To need freedom – through the *ability* to bring oneself into the danger of death for one’s freedom.

### 137 The Spiritual Actuality as Authentic

*as states*: the abstract form as *right* and the abstractive form of *this* as abstract right.

In right being-recognized *multiplies* – [is] reciprocal – that which is *recognized* – [is that] in which they give themselves right and thereby *obligate* themselves.

Here the individual will wants – *the essential will* – *genuine independence* – to be something spiritual.

### 138 Reason

*as identity of the subjective and objective*.

The true actuality is *rational* – i.e. stands under the law of freedom – *is the spirit* of ethical life – | *ethical spirit*.

### 139 State and Force [*Gewalt*]

Cf. E3 §432a, 10: 221–22/172–73.

## VII Freedom and Will in General

### 140 Freedom

Question: is the table *obstinate* [eigensinnig]? Am “I” free?

“With freedom, one must not proceed from individuality, from the individual self-consciousness, rather only from the essence of self-consciousness; for whether the human knows it or not this essence realizes itself as an independent power [Gewalt] in which the singular individuals are only moments.” – *Philosophy of Right* §258a, 7: 403/279.

*Force* [Gewalt] – the knowing empowering of the essential power.

Cf. E3 §482, 10: 301/239 – on the *idea of freedom*:

1. the most ambiguous and easily misunderstood
2. at the same time something known in an every day manner without much knowledge.

(Cf. Beyng)!

### 141 “Freedom of the Will”

*Whether the will – which is there – would be free – would have this characteristic?*

{Not} will here | and there freedom as *one* characteristic of it – rather will “*is*” freedom.

*Freedom* “*is*” however *the will*.

The will wills – *freedom – itself!*

Whether the door is open or shut – the door – is by essence both!

It opens and closes.

## 142 Will

immediately *perceived* [ver-nehmen] in willing – “a preparation” [Praeparat] – among *others* – urge in itself – possibly – a *first* circumspection – but constantly missed. –

I will – myself



“Reflection” – essentially.

The I as “self” – Independence.

But even so – back *from where* – in the individual or essence – *to where?* – to the same – boredom of the obstinate.

And how? *Empty* – or *sublating* – the will “is” only as this *return* into itself.

The formal will – (the relationship of consciousness)

the present-at-hand: “I want [will] *something*”

Freedom – a present-at-hand *ability* / “I can”  
only “appearance”  
“in itself”

and the will *of something*  
as *application*

Needs – Inclinations – Drives are then the predominant determinations as an “other.”

Deciding upon something and *caprice* – (to make a choice).

## 143 Will and Being a Self

Urge – | *in us and around us* | also no *blind* representing!

(Greed) – in us – from out of us.

Drive – multiplicity – immediate.

Represented and each time determined – / but not *thought* – *nevertheless*.

Propensity [Hang] – “to hang” therein.

Inclination | passion |

Desiring – (Representing – ) – *as such a one*

Striving is *everything* as *from – toward* – accomplished ever again – *resisting*.

*Wishing* – tractionless

*Willing* – to stand in *resoluteness*

“*work*”

Urge?

Drive?

Wishable {?}

a) Ambiguity – overall – the *infant* wants to drink – *wants* to enter a discussion – “*would like*”

b) always *full* essence – (knowing).

## 144 Will

how is the will – willing

1. *I* want [*will*] – (“*me*”) / selfishness – ! Desire / and nothing else is determinative. (inertia) – to not want at all.

2. *I* want *this and not that* (at the same time and authentically the sublation of (1)).

(tenderness) – to not want *one's own*.

3. *I* want and in this want myself = *this* an augmentation. The authentic will *is* sure of itself and does not lose itself.

The *this* am *I* – experientially going along with it | *Mastery* [Herrschaft]. |

The *I* is *this* (dependence) – Bondage [*Knechtschaft*].

*Self-assertion* – as *appropriation* – “*Making mine*” [Meinen].

*Proven* [Bewährung] and being recognized in this *mine*!

## 145 Will Is Work

The working away of individuality.

Being free – *to will* freedom oneself – to stand in the working out of this.

## 146 Will

1) the will is everywhere and always only in the *I* will – “*I*” and *not* all that *I* find, wherein *I* situate myself.

Mere | pure return in itself.

(Pure indeterminacy.)

Negative will – Freedom of the empty – abstract – fury of destroying – “universal.”

“I am I” (oneself can do everything better – “independence”) – “Fichte.” Here I look away from everything definite – thus I am dependent on it – I am *not* without this – which I am in I = I!

This negativity is immanent to the “I” (as to the universal on the whole) – “not first added to it.”

2) will is – to want *something*.

Transition to the positing of a content – §6. With this the I (1) enters into “Dasein.”

*Finitude – Alienation.*

Determination.

3) Will is the unity of these two moments. | Freedom is *both*!

Posits *itself* as restricted – and indeed *retains itself* in so doing – *survives “itself”* and only *thus* has become itself. The will *only wants* and “is” as willing in the *return* – in taking something with it [*mitnehmender*] [the will is] determination. It *knows* now the determination *as* its own [als *die seine*] – *taken over by it*. Cf. Friendships | restraining oneself and indeed precisely as oneself.

*This concrete freedom – the sublating return to self* (knowledge) – is the *concept of the will*. Its *substantiality* – substance – is subject – “self” (*fixity and soundness*).

Freedom thus not a “characteristic” of the will among others – (rather in the way *weight* is the essence of the jug as material!). *Freedom* as substance of the will now itself *substantial* in some manner or another (for example, as ethics). The *will is freedom itself*.

In the willing of the *definite* – not proceeding *obstinately*, but being with *itself* as the “*universal*” (the higher) (Spirit – the exposed self).

Will is – thus the unity of the objective and subjective.

*Caprice* [Will-kür] – as essence – freedom. I can will to do this or that or something else – grounded in the universal “I can” (1) – (*libertas indifferentiae*).

*But therein a contradiction!* For then – all this *accidental* – *from that* on which I am each time *dependent* – nothing is mine!

*Truthful will* – true: *to be* what the concept is; “true” gold. This lets the concept agree with reality and *vice versa* – (ontological truth). Which wills so that what it wills will be identical with it.

*This: that freedom* – as which the will is – *would will freedom* – this would have its soundness in itself. Thus the will not only “in itself” – rather *in and for itself*.

\*

*The subjectivity of the will* as freedom extant [*seiende*] *in itself* “is” objectivity – i.e. in accordance with its concept. *Truth*.

subjective

– in *the genuine and in the fallen* sense.

objective

Both necessary – because subjective and objective already *concrete* determinations – i.e. only “extant” [*seiend*] as somehow already bearing themselves this way or that way for dialectical sight.

Thus no question – of mere *ambiguity* – in the use of language.

\*

*Willing* – i.e. *being free* = *the actualizing of freedom* – i.e. of selfhood – i.e. of *spirit* – is the *effectivity of spirit*.

And the “objective” – historical effectivity *is the state*. And indeed it *is* this as *right*.

Essential origin of *right* from out of this concept of spirit as *freedom* (which is the self knowing will).

*Right is the existence [Dasein] of the free will. Being a self.*

*Recognition and being recognized.*

“This relation of willing to the will is the proper and true soil in which freedom has existence [*Dasein*].” *Philosophy of Right* §71, 7: 152/102.

*Right* – not restriction of the *individual* and at the same time *securing of the individual*. Thereby a *together* [*Zusammen*] is possible and this again would secure the individual – rather *the release of strictures for the true freedom and selfhood* – rather the “*together*” is what is *original* and in advance of the individual’s “restriction” and externalization.

“The” right just as little as “the” state – rather each a stage of freedom – of self actualization – has *its own right*.

And only where each has their own – there *conflict* – and necessity of *sublation*.

“Right” – therefore in an entirely broad sense not only *civil law* [*bürgerliches Recht*] – rather – morality, ethical life, and world history. –

## VIII Right and State

### 147 Why Is There Right?

Because *being recognized* – | because *struggle for recognition* – and this because *independence* – i.e. freedom – and this because historical Dasein of the human – πόλεμος. Struggle as *Dasein* – Struggle for being.

Thus right something “human” – it is called here “human” – “made” by humans! Yes and no. *Empowered* and Undertaking – to have a duty.

What kind of *powering* – when it “makes” – “itself” – in that it places itself under the exaggerated heightening of its essence – recognizes itself [*an-erkennt*].

Recognition and care and the stability-of-being [*Seins-bestand*].

### 148 Where Does Law Come From?

Where does *law* come from – from where the *claim* – why now *purpose* – where does that all stand – and *how is it originally grounded*?

*What occurs there* – in that something becomes and comes into manifestness? – / The state /.

### 149 Law – : Right – §210 ff.

Freedom in its determination – knowingly posited as the prevailing power.

Right – “the existence [*Dasein*] of all determinations of freedom” (E3 §486, 10: 304/242).

Right – the *being-recognized* – this as *known and as willed* – the objectivity of right.

*Law* [Gesetz] – which through thought is *determined* for consciousness and



as that which is right – *determined* – through this positedness [*Gesetztheit*] – right becomes positive.

Proposition [*Satz*] – laws [*Gesetze*] (rod [*Stange*] – rod assembly [*Gestänge*]) – formation of humanity!

Statute [*Satzung*] – *Positing* [*Setzung*]. –

## 150 State and “Right”

Where the state is – laws – where laws are, right – thus “juridically” – the state is to be known.

But: 1) from where and how so right –

2) why where a state – laws?

Is there a state because there is right – or right because there is a state – or is this either-or totally untrue?

State – law – right – positive – philosophical right.

But philosophical right – ? Itself only still “given” – a result.

Where is its ground? In the essence of spirit – and just there does the state have its ground – equiprimordial and essential connection – *wherein?* In the essence of spirit – *as knowing will* – *as freedom*.

“It is the course of God in the world that is the state; his ground is the force [*Gewalt*] of itself as will actualizing reason.” *Philosophy of Right* – Addition to §258 (7: 403/279).

## 151 Jurisprudence [*Rechtswissenschaft*] and People's Law [*Volksrecht*]

The idea of “science” – *concept* and system: scholastic – mathematical – logical!

Cf. R. Stintzing: *History of German Jurisprudence*. 1880.<sup>25</sup>

What kind of conceptualizing and which formulation does a genuine people's law require?

First a people, then the people's law – or first people's law and then a people – or not at all to distinguish so?!

152 Natural Law [*Natur-recht*]

“Inborn”! “*Right*” of the *individual*!

- a) either state as constraint
- b) or as release from the strictures of its *onesidedness*!

153 Right. Right of Resistance against Commands  
Contrary to Law [*Rechtswidrige*]

only proclaiming what prevails – or, productively, the *undeveloped* recognition?

\*

Cooperative neighbor law [*Genossenschaftliches Nachbarrecht*] – cf. using springs on plots of land in such a way that even the neighbor benefits.

Circles of right

City – Village – R. – Fief.

Regional and Professional classes [*Gebiets- und Berufsstände*].

Fidelity – Honor.

*Configuring* being and codetermined again by beings – thus decisive: freedom and mission!

## 154 §4 – Right and State

How does the *lawyer* [Jurist] speak of *right* (who is a lawyer?)?

“As” *law* – §210 ff. Indeed in terms of something else. *Point of the question.*

| *Administration of justice* [Rechtspflege] |

## 155 Right

1.) *Law*

2.) *Authority*

3.) *Loopholes in the law* –

- 4.) *Shaping the law* [Rechtsgestaltung] –
- 5.) Arbitrary decision.

\*

- a) Application of rules (State – as constitution)
- b) Legal finding [*Rechtsfindung*] (announced somewhere – after decision).

\*

- 1) formal logical construction (State as constitution)
- 2) *Grounding of civil interests* – (state as play of forces).

\*

- 1) *positive*
- 2) according to *purpose* | Psychological social tasks
- 3) *justice* (conscience) / *Natural Law* / “*Idea of right*.”

\*

- 1.) *Legal doctrine* [Rechtsdogmatik] – formal logical contexts among the §§
  - 2.) *Universal jurisprudence* [Rechtslehre] – interpretation of jurisprudence
  - 3.) *Legal philosophy* [Rechtsphilosophie].
- Everything “historical” – historically prescribed.

## 156 Right – To Create

*Legal conviction* [Rechts-überzeugung] – grounded in the kind of Dasein and its truth and co-constituting this.

*Right* – as uniting bond of those who freely assert themselves [*der freien Sichbehauptenden*].

Its binding force – from out of the *belonging of being to freedom* – (not from out of the foreignness of compulsion).

## 157 Right cf. §30

- 1.) (formal) as “*form*” of *freedom* – the determining jointure of being free – the *ground* of independence, i.e. of *being recognized*, forming itself each time in struggle
- 2.) the respective appearing forms – morality – ethical life – “*Interest* of state” – and also “*civil law*” [Privatrecht].

## 158 State as the Being of a People

But the calculable – the self-engendering power – the *concernful* Dasein of the people.

But *not constituting* the Dasein of the people – exhaustively.

A people first comes about through “theophany,” i.e. the cutting nearness of the coming god.

Not beings determining beyng – not the beyng of beings.

Fissure – fundamental occurrence – *death*.

State as *self-consciousness of ethical life*.

## 159 State

(not to now concoct a *lapdog* instead of a Leviathan! in a merely blind adulation of the people).

*Agreement of all for the protection of the individual* (and who are these before this?)

or

*predefined power* – into which *historical* Dasein sees itself thrown – and which empowers it and thereby Dasein exposes itself to this – wanting it – confronting it – in a positive formative conflict.

Because of the originality of this power (for example, Hegel’s *ethical life* – ) not decisive as “community principle” – all this only as consequence and determinations that present themselves in terms of lib{eralistic} individuals as counter-appearances.

## {IX Hegel's Philosophy of Right}

### 160 Hegel. State and Spirit

State as *ethical life* (this as “unity” of morals – legality and historical situation).

Ethics (cf. *Metaphysic of Morals* [*Sitten*]; *Freedom*; *Metaphysics of Nature*<sup>26</sup>).

Thus here *spirit* –

Hegel from early on, *spirit from out of the state* – as ethical life – and this as the absolute freedom of *reason*.

*Spirit* – as *knowing* – *thinking* – “subject.”

But soon not only – counter concept of nature – rather: the concept of all [*Allbegriff*] {?}: the Absolute.

### 161 Ethics and Work

*Reason* – knowing work

| Working knowledge

“Idea” – the *self-appearing*

| to

The *self knowing* in self-appearing.

### 162 State. Contract

1.) as *reciprocal* bond – overall – (wherein undecided! for example, a higher origin in ethics)

2.) Understandable – temporal – arbitrary *agreement* [*Ab-machung*]

(1) an attested moment of essence

(2) to be discarded.

## 163 Hegel. State and Social Contract

Cf. “Hamans Schriften,” 334.<sup>27</sup>

## 164 Art in the “Phenomenology” as “Religion.” Hegel

i.e. regarded absolutely; neither as “*ornament* among others,” nor as recreation.

## 165 Monarchy. Hegel

The nature of hereditary monarchy – “from the concept of the sovereignty of the state, which must self-consciously exist in an actual person.”<sup>28</sup>

## 166 Ethics – Morality – Legality. Hegel

Cf. Rosenkranz,<sup>29</sup> pp. 55–56.

## 167 “Spirit.” Hegel

Cf. Schelling, *Schellings Werke* I: 290 ff.<sup>30</sup> *Absolute subject* (i.e. that for which everything is object) – it [is] itself.

The free spirit and the natural spirit. Hegel – RR 11: 44–45/229–30, 11: 58/238. Its essence – not a natural one, rather one that to be born again.

Reason and understanding, *ibid.*, RR 11: 44–45/229–30.

“Thinking” *its eternal need*, RR 11: 63/242.

“The infinite energy, which the principle of knowledge at the same time possesses in itself.” RR 11: 48/231.

## 168 Truth. Hegel

Doctrine of truth; what Hegel required for this – RR 11: 52–53/234–35.

Cf. RR 11: 49/232. “The doctrine of the truth is only this, to be the doctrine of God and to have revealed his nature and history.”

“As if there could be absolute objects and a truth at all outside of God.” RR 11: 53/235.

Cf. RR 11: 64–66/243–44.

## 169 Concept. Hegel

Its in-finitude; dialectical return into itself – *Negation of negation*.

## 170 Thinking and Basic Principles and Selfhood. Hegel

Cf. RR 11: 62–63/242.

*Thinking*, the eternal need of spirit.

## 171 “Feeling.” Hegel

If the eternal would only still come to the human in the “region of feeling”!

“Consciousness is able to endure the substantial [*das Gehaltvolle*], which does not waver before reflection, only in the shrouded manner of sensation” (RR 11: 56/237).

Above all principally, *ibid.* RR 11: 57–58/237–38.

The “natural subjectivity” (RR 11: 57/238) everything possible – on the whole good as well as evil, pious and godless.

(True direction and bearing only from out of what is “objective of reason,” RR 11: 57/238.)

God, truth, duty – evil – lies – everything “is felt.” Feeling in merely pure form, indeterminate for itself.

Feeling only *region of receptivity* for god, truth, right.

Or even a road to disclosure – but admittedly – as *mood* – *being attuned* – openness and original unity of determination [*Be-stimmung*] (not a “subjective” seething and prevailing – the “mush of the heart,” PR Preface, 7: 19/16).

Neither truth “created” from feeling – nor first “entering” into this (*ibid.*, RR 11: 60/240).

In the *fundamental mood* as a transporting-binding back [*entrückend-rückbindender*] precisely beyng and the gods become *what is first*.

## 172 “World,” “Worldly Wisdom.” Hegel

RR 11: 61/240.

## 173 Finitude. Hegel

Not as a thingly cessation; no further; rather in a Dasein-based struggle with the beyng and beings of the fissure as tension.

The enduring and standing – carrying out of conflict.

Letting come over oneself and trembling *as* manifesting and effecting.

On the contrary, the *bad* infinity (the supposedly good one) of Hegel of the being of the dangerless calm that sublates everything in itself – where everything and nothing occurs.

## 174 Text | Alienating

Hegel. All “concepts” otherwise – a fuller and grounded content – and we – going along with these *oddities* of the philosopher.

The reverse – perhaps *our* contemporary concepts are negligible and the most *odd* in *their arbitrariness* – whereas it is Hegel – who is entirely not – rather the one – *truly standing in the greatness of history*.

## 175 Text

Philosophy of Right §257	Disposition	Morals
	↑	
	Manners [ <i>Gesittung</i> ]	Custom [ <i>Sitte</i> ]
	(Character)	Embedded
		Soundness

1. the state is the *ethical spirit* – *ethical life* as the *manifest substantial will* – the law is known *as* the universal

2. the self-consciousness of the individual has its *substantial freedom* in itself



3. that will – which thinks and knows itself and what it knows, and insofar as it knows it, achieves it.

Spirit – *as will*.

Is spirit – something else besides – *still*?

Freedom – *in this spirit and will*.

## 176 Interpretation §257 ff.

1.) external outline – here three to three!

2.) this *neither* “derivation” – *nor even* a reproduction of historical emergence

3.) why not a “derivation,” but instead *sublation* – then 257 – *to encounter everything again* – and thus to reach back into the interpretation *backwards* – a stopgap

4.) the *authentic fore-conception* – state as *spirit*.

That the *ground and beginning* – not “end” and result – and thus “also” end → result [is] “only” the development for our knowledge – but this *knowledge* at the same time *essential*.

Cf. 1a:1b – “spirit” – human.

§257. The inner form of the paragraph. Where “right”?

a) proclaimed interpretation

b) elucidation: a) custom; b) self-consciousness; c) substantial *freedom*.

N.B. Concept of “*Substantial*” cf. *Supplement*.

§258 – “substantial will” – that wants its own essence (universal) and in this willing *is*.

The state is spirit – the absolute spirit, with respect to its “*actuality*” (*self knowing!*)

N.B. *State* – spirit and *not* “society” – no *factual commonality*. Not from mere *togetherness* as opposed to the individual! – rather – independence [*Selbstständigkeit*!]! *Freedom!*

## 177 §257

In the definition of the state nothing of “right”? But *indeed!* Ethical life: the truth of right – §141.

## 178 Spirit – Freedom (Idealism of Freedom). Interpretation 1a

(“The idea of freedom truly exists only as *the state*.” *Philosophy of Right* §57, 7: 124/88).

Where a figure of freedom, there each time *a* right.

Why *figures* of freedom?

*Freedom* – ways of being free – the respective ways of willing a will – as it wills itself – in which way – return – *being a self* – *being recognized* – to the essence of this being [belongs] *recognition*. | Right |

## 179 The Human. Interpretation 1b

as *person* (object in right)

as subject object in morality

as family member object in the family

as citizen object in civil society

as human – here from the particular standpoint of needs – §190

|

*substantial* person – §264.

## 180 Hegel. The Substantial

Substance – in general | ὑποκείμενον – lying under there – founding – *constituting being*.

οὐσία | cf. Aristotle ὕλη – εἶδος

Substance is *subject* – *subjectivity* – *soundness* of *independence* – in self developed freedom.

*Freedom* is the substance of spirit (PH 12: 30/17).

## 181 The Substantiality of Ethical Life

Cf. §152

The self knowing and, as such, self-accomplishing being –

(Subject)



Soundness

(the substantial = the “*universal essence*” – as something effective).

As originally *effective whole* – unity of the singular and the universal – the *independence of spirit* – as *power* [Macht] – *force* [Gewalt].

*Addition to §258.*

## 182 Hegel and Freedom

Thus “*liberalism*”! Cf. PH 12: 524 ff./442 ff., particularly 534/452.

Cf. the sketch of this in the *Philosophy of World History*.

Cf. the world historical construction

one	} but what does <i>freedom</i> mean in each case here!
a few free!	
all	

## 183 “Liberalism”

Freedomliness [*Freiheitlichkeit*] – bearing – which with *being free* wills what is essential to it.

Freedom – to have no disposition and to claim precisely this as disposition.

## 184 Dialectic

Word-concept [*Wortbegriff*] – Universal. History.

*Dialectical method* – as *philosophical* – *absolute* – *in-finite thinking*.

Dialectic – διαλέγεσθαι – λόγος.

To address as . . . a being | (naming!)

being – λεγόμενον

*Being* in speaking through [*Durchsprechen*] – even the *non-being* [*das Nichtseiende*] is.

To the contrary, Parmenides!

*The error; | “the illusion” – “is.”*  
 “Beyng” / ἔν – ταυτόν.

## 185 Dialectic

1. As external – understandable procedure – sophistry – (“see-saw system” E1 §92, 8: 172/128)
2. As the first – Socrates –
3. As the essence of being itself – its truth  
     Plato – sophist    έν – ταυτόν – ἕτερον  
                             κίνησις – στάσις  
     Parmenides       έν – | πολλά  
     From the one to derive the many – and the being – indeed only “*the one*” “is.”  
     The satisfactory {?} understanding – is not attentive of this. | “fruit”
4. The dialectical – as *negatively rational*  
     Life – Death. – Two characteristics.  
     Life *in itself* towards death – *the finite* – contradicts itself – | *sublate* – *tollere* – *elevare*.
5. The *dialectical* – as the *speculative* – positively rational.  
     As *negation* of – | has a result – *what has been sublated* –  
         *Unity of differing determinations*  
         |            (*Mediation*) (Middle)  
         the *growing together* – the “*concrete*” in “*thinking*”!  
     Concrete – for Hegel the authentic rational thinking.  
     Abstract – not so much the thinking – rather a one-sided – mostly thoughtless *comportment*.  
     Speculation – the “*thinking*” of the rational – (unconditioned-universal) – absolute thinking – ; Negation of negation – “*spirit*.”

## 186 To Distinguish [*Scheiden*]

- Differentiatedness [*Unterschiedenheit*] – what is most other held apart *in unity*.  
 Difference [*Verschiedenheit*] – being-other – merely.  
 Distinction [*Geschiedenheit*] – to divide [*Trennen*] – for example, red and blue balls.  
 N.B.: Decidedness [*Entschiedenheit*]

## 187 The Tool

*is a means* – to an end. And yet – it “is” the *first work*.

Drive – | I – end |

|

This according to the object – urging – pursuing – *setting itself out* – as *tool* – *work*.

Passive – in the direction of the producer and user – active – in relation to a working over.

→ What is needed –!

## 188 The “Now” and the “Here” of the This

“Now” *is* afternoon – *which it now is* – | therefore *not* | – after a few hours: “night” – and *indeed now*.

*The now is* – | mediated simplicity – *universality*.

*Now* – is “now” and indeed *not a now* – yet it is indeed one *and* the other!

The *this is this something* – “is” *not* – this and not that – rather a *universal* – *thus* anything whatsoever – is – both – mediated simplicity.

## 189 I Are You

“I” – am indeed “I” and you are you – every other also “I” – the I-hood something universal. And if I say I of myself – that is thus *saying nothing!*

## 190 The Jack-Ass

“I am the jack-ass.”

What is that: a chalk board? “Chalk board” – as sound – language.

The “*I am*” – “I am the thing” – | Consciousness |

*Consciousness is self-consciousness.*

## 191 The Same [*Selbige*] “Is” the Different – “Is” Equivalent [*gleich*]

*Being and nothing “is” the same* [das selbe] (and not the same) – its differentiation *no* differentiation – *becoming* – “disquiet.”

Both definitions the same baselessness.

But *indeed not the same* – whether the house stands there – or no longer stands there – dismantled and destroyed on the lot.

*Differentiation! Thoughtlessness* | to posit something other than what is intended.

To not comprehend? means? | Here simply to hold fast to the thought. –

## 192 Sublating

Being is the nothing.

Being is not the nothing.

Being is becoming.

Becoming is the unity of being and nothing.

## {193 The Rational and the Actual}

“*What is rational is actual; (\*)*

*and what is actual is rational.*”

Preface to the *Elements of the Philosophy of Right* (7: 24/20)

1. *Rational* – the *appearing unconditioned universal, speculatively thought* – *absolute spirit* – will

2. *Actual* – not the present-at-hand – the “extant” accidental [*“da-seiende” Zufällige*], rather the essentially effective and *self actualizing*.

(\*) *actual*: the Treaty of Versailles | reasonable?

*futural*: strict upbringing – *according to knowledge* – providing direction for the coming decades. Not *thinking*. Really??

## 194 Speculative Propositions

“The Absolute – the unity of the subjective and objective” (E1 §82, 8: 178/132).

Thus one-sided – | not only subject-object identical, but precisely also *differentiated*.

## 195 The Rational

Cf. *Encyclopedia*, E3 §82a, 8: 177 ff./132 ff.

*The unconditioned universal – knowing!*

God – for humans.

State and its laws – for citizens.

Will of the parents – for the child.

As *thought* – for speculation.

## 196 Hegel's Philosophy as Completion –

and the subsequent *decline – non-fulfillment?*

! Facts speak against the system!

“All the worse for the facts.”<sup>31</sup>

## {197 Introduction and Example}

1. *Introduction to the Philosophy of Right*

2. *Examples for Dialectic*

## 198 Exercise

1. *Hegel – Philosophy – Completion of the West* – back and forth in our age.

(The twaddle about the 19<sup>th</sup> century and liberalism. For twenty years the same phrases.)

2. *State* –

3. Not simply to take notice [*zur Kenntnis nehmen*] – in statements and opinions – rather a knowing *work* [*erkennende Arbeit*].

Confrontation – “*Method*” – (practice – ).

The “use” – of such efforts.

The contemporary *claims* – nearness to life and applicability.

What is meant: 1. this the genuine conception of knowing; 2. discovery! “Philosophy” of the American space of history!

*Other possibility* – that with the same noisy and contemporary claims – one ridicules oneself.

Without regard for – the fact that this is also from the ground up un-German.

The routes of the effectiveness of spirit in the end are other – than the kind and way that a suitable shoe polish is brought to a man.

## 199 Hegel, On the State

Hegel's “opinion” about the state.

a) “*the state*”?

b) the mere opinion – any half-baked view?

No – rather *philosophizing work* – *Philosophy* – to experience it *in the work*.

And thereby to establish a vision for: State ... – Right – People – where and how this all essences – what belongs to it – to *actually* think into this and not merely repeat opinions and slogans.

This thinking essentially the *power of being*.

Even if no leading statesman.

N.B.: no cheap reckoning in yes and no – upon the contemporary | to even calculate this “Absolute” at all!!

Cf. the note “Hegel – State and Spirit” [\$160 above].

The metaphysical breadth of the Hegelian concept of the state already indicates *which* region it is that encounters us.

Without regard – to the certainty of the perspective – capacity of the questioning – essentiality of the knowledge – originality of the decisions – reverence before the task – *political concepts* – *not about* right.



1. People – Movement – State – itself
2. Concepts – Knowledge – Dasein – Beyng.  
N.B. no “controversy” about *Hegel* himself.

Next to the gridlocked and historically consolidated [*gleichgeschalteten*] and even yet again emptily familiar “science,” still an originary knowing – which *questions* – setting itself against the contemporary – in that it outgrows it.

## 200 Freedom

Freedom: *Being-with-oneself* [Bei-sich-sein] – *Selfhood from this!*

## 201 Absolute Thinking. Hegel

Ab-solute – i.e. free.

Free – 1. *away* from the finite and immediate determinations

2. to determine – oneself – *in terms of oneself* – i.e. to go back into oneself as ground.

*Independence* [Selbst-ständigkeit] as exit – *Freedom as goal and essence*.

The seduction of Christianity and philosophy (the Ancients).

*To think* the absolute absolutely – and indeed as *exit* and not as empty abyss – of mere negation.

## 202 Dialectic as “Principle”

i.e. as a pre-determination of “being.”

Being here in a pre-dialectical sense formally-universally assumed and then imposed upon the all [*durch das All hindurchgesetzt*].

## 203 How Should the Subsequent Exercises Proceed?

*Immediate* – Enthusiasm – Rigor.

1. the craftsmanship invisible –

2. never direct and admonitory –
3. from out of the respective world –
4. investment – produced by the students themselves
5. the rigor of the concept not as “art,” but rather from out of the distress of the matter
6. likewise the experience of history
7. readiness for sacrifice – character and brave.

## X Fundamentals for a Doctrine of the State

### A Care – State – Beyng

#### 204 “Idea.” Hegel

“*The reason that is equivalent to itself*” (EH §11, 29/54).

“The activity of positing itself over against itself, in order to be for itself, and, in this other, only to be with itself [*bei sich selbst zu sein*].” E3 §18, 8: 63/42.

#### 205 Hegel. State

I. as something *present-at-hand* – “where and how”?

II. *considering* that – how – what for?

What thereby – (I and II) presumed?

To what extent un-founded? [*unbe-gründet*]

#### 206 Care – Dasein – State – Being

#### State and People and Care

(*Dasein*: why organizations. Structures – management – regulation – administration – corporations.

→ Not “biologically” derived – which says nothing and is seductive – rather from out of care, correctly grasped – this as beyng – | *concern* – imposition – enactment.

Bearing – (Thrownness) and leading (understanding).

Right from where – laws – (events of freedom).

Freedom and grounding: grounding and concern – organizing.

Care and Work      ↑  
 Care and Leadership ↓

Leadership as *basic-trait* of political being – what does this say?

Beyng – as *power* and the power in itself as joining – bearing.

## 207 The Metaphysical Basic Power of the Future State

Cf. □ The Political

the “struggle”

|

Care — competency

1.) as mastery – rank – the *ones who care* – “guarding” the being

2.) as work

3.) as *truth* (nature – soil – blood – homeland – landscape – gods – death) – both grounding in themselves

4.) as “*finitude*” (cf. *Fissure*) 1 and 2 and 3.

Work – Rank – Mastery – Service – in which basic truth

of beyng?

Care! – *Fissure*

Distress – mourning – joy

the gods

Mineness magnitude

Fate – | Mission and Task. |

## 208 Care and Death and Sacrifice and Knowledge

Most extreme possibility of the threat of historical Dasein.

Care and sacrifice – Care and standing in the storm – Care and knowing!

Questioning – Outline and ground of the danger.

## 209 The Political

Because care – historical – thus momentariness – *resoluteness* – *disposition and decision*.

Because *care* – therefore *outline and ground of the danger*.

Because *care* – being as Dasein unqualifiedly – thus the whole and authoritative [*Maßgebende*] – and thus the *political* – which bears – which leads – and the state historically necessary by essence!

## 210 Care

a) as letting reign of the world – *worlding* – (being-in-the-world)

b) as competency.

Both the same each time regarded in this or that way.

## 211 State and Principle of Leadership [*Führerprinzip*] and Work

Leader and Followers – as state-forming events only possible *metaphysically* – ; presupposes –

1) a “spirit” of the people – a *kind* of being [*Seins*] that has its status and ground *in the truth* of the necessity of mastery as rank and order of rank

2) a rank-forming from out of the mightiness of beyng itself within the historical – truth of a people

3) the truth and opening of the revelation of the powers – “work” – service and performance

4) the *disposition*

5) the fundamental mood – *metaphysical*.

## 212 Care as Steadfastness

(Ex. Disposition, Action, Bearing)

as letting reign of the world – (constitution) – as steadfast letting reign – letting reign steadfastness.

## 213 Hegel, Religion, and State

(world).

Cf. PH 12: 405/335.

## 214 Precedence of the State Over Religion

1. because the state is the *present* – actualized spirit

2. because the state [is] – *knowing* – spirit.

Which questions on the whole?

“Rank”!

In which *ordering* – ?

Which *beyng*?

## 215 Hegel. Religion and State, Church and State

*Religion* – as renunciation of beings in knowledge and turning to the Absolute *with* a foundational upbringing for an upbringing into the disposition of the state and its retention.

*Church* – but not the foundation of the state.

Just as little as “science” – although in regard to upbringing, still more essential than *religion*.

## 216 Hegel – The Universal and the Passions

“The universal” never places itself in danger – it lets the passions mutually work upon the interested individuals and in this way imposes itself (cunning of reason).

## 217 §260 ff.

§260 ff.

“infinite spirit”

The state – as *events* – | the unification | – precedence over the  
*events* – “*ideality*.”

And these events – thereby “*political*.”

*Stages  
of spirit*

\*

Resilient self-assertion – as highest power of spirit.

\*

261. – “Outer and inner observation”

262. the unification – | infinite vocation [*Bestimmung*] | – necessary in itself – the  
separation coming apart.

263. – but even there spirit is there – and indeed how? the *institutions* –

## 218 On the Interpretation of Hegel's *Philosophy of Right*.

## §257 ff.

*To consider methodologically:* the already “*speculative*” “*is*”-propositions.

Cf. on this Introduction to the *Philosophy of History*, WH 49 ff.

## 219 Spirit

Spirit

*Organism* –

Constitution ~~and~~ Disposition

the political (Constitution – Disposition)

Sovereignty – (Self-power)

Separation of Powers [*Gewalten-Teilung*]. | Power – Force

δύναμις

Shaping force – Ability

Work *capacity*

220 *Philosophy of Right* §258–271

1. *inner* context and course
2. the main questions and concepts.

\*

§258. State as *unity* | substantial | *with regard to essence*. How this unity *essences* (is) in the *becoming of negation*, not mechanically, rather *existentially* – *founded knowingly-willingly!*

Where between? Cf. later *unity* – the *penetration* – (on constitution and *disposition*).

\*

*Differentiation: Rousseau* – universal will (yes!) but how? – not as communal result, rather as *essential unity* of the individuals who bring about its actualization and those who obligate and bestow right upon individuals. Cf. §262. To this, the presupposition of the actuality of spirit!

Even when Rousseau did not think of a merely mechanical calculation of the majority vote and a higher *universality* – this was only an indeterminate concept of purpose – *but not the thematically authentic pre-supposed and conceived ground*.

For Rousseau therefore – “constraining” the universal (state) and thus – restricting boundlessness [*Schrankenlosigkeit beschränkend*] – annihilating freedom (negative! Freedom abstract).

For *Hegel the universal* – articulating itself – bringing something definite to independence and thus positively *liberating* and grounding it!

\*

§259. *The Idea of the State* (cf. 3a)

- a) has immediate actuality – Remark to §258. *No artwork*. In regard to essence, the state is never an artwork.
- b) goes over into the relation of the *individual to the other* (individuality).
- c) it “is” the *universal* idea – as validity of absolute power. The world spirit.

“*Idea*” – “has” and “goes” – “is” – all this not aside from its essence, but rather is its essence (the “kind” – the “how” – *of being* that essence) – cf. *Phenomenology*, Preface (the Idea in its *ideality*, in being negated of its abstract one-sidedness, “ideal” – the “idea conceived as existing”).



For the idea is the essence – which in its becoming *itself* – has itself before itself – appearing to itself – and in such appearing is – “*as individual*” | the “particular” belongs in history.

Differentiation: “Immediate” – at first – the individual state.

*Development*: as an (effective – ) uncoiling that returns into itself.

But thus in itself – “goes over” – and at the same time “is.”

This “*is*” again the dialectical-speculative.

That – “having” and “going” → “Being.”

And this means: the *state* goes back into this – finds its essence there and thus finds itself as essencing.

(*Immediacy*

Relation – (Being other)

→ *Validity* – in history this itself comes apart into states!

A. Domestic law [*das innere Staatsrecht*] – the *existence* [Dasein] of freedom – immediately in the individual state *itself*.

“*Constitution*,” cf. □ (“the developed and actualized rationality,” PR §265, 7: 412/287).

| Sovereignty inwardly | this at the same time “disposition” – the inner principle of a people – its historical truth each time at a particular stage.

§260. Fundamental overcoming of *liberalism*.

What belongs to this? Appearance of freedom in itself. *Misinterpretation*: a) I the individual as singular and first. Power. Each distinct *personality* figured in accordance with being [*seinsgestaltet*] (cf. Remark to 261) – moral, educated; b) *universal humanity* – all other “*means*” – even the “*state*” – but in relation to *religion*!?

§261. State as higher power – above – (outside its purpose) – state as inner purpose.

In the self willing of the individual – essential will to the state – the will of the state – the willing of the being [*Seins*] of the individual in the people.

But *in regard to essence*, to will for the sake of “itself” – (“*spirit*” – *reason*) – essential truth of “essence” – just as for the *state*. “Knowledge.”

§262. – Thus it is *authentically* the spirit as essential state – which in principle *lets* the family and civil society *be what they are*. So much so – that in this it – taken in isolation – only imperfectly appears. It looks as though – the *allocation* would be – towards somewhere else and accidentally – the advance effect of the essence of the state already here as undeveloped spirit – (cf. above on Rousseau).

The splitting apart into the “crowd” (Cf. §184a) – looks as though this would arise from itself. Being-present-at-hand and occurrent [*Vorkommen*].

*Thus however an allocating* [*Zuteilen*].

And this allocating [*Zu-teilung*] – metaphysically – the power of the idea in its ideality.

§263–65. The “*appearing*” of the state in *its basic columns*!

But –

§268. But – first the *ideality* of the idea is what is truly actual – i.e. *forming actuality*.

§267. *The ideality as the political*. Cf. §276. The *ideality* of spirit as of the objective – is the *political* – i.e. the effective unfurling [*Ent-wicklung*] of the unity of | constitution and disposition | cf. 8a – as the originary concrete freedom of a | *historical* | people. The unification of the will and spirit as historical – *decisive* – resoluteness

Freedom.

Struggle and Opposition.

(Friend–Enemy)<sup>32</sup>

\*

Constitution and disposition – not two areas and regions – rather each a distinct manner of appearing of the same *one* – of unification.

Care – as being in the world

a) world-being – *letting world*, worlding

b) being-in – *Steadfastness*.

## B Authority – Mastery – Power – Powers [*Gewalten*]

### Their Metaphysics and Truth

#### 221 Power and Ethics

The original *power* of spirit emerges in and develops itself out of ethics – what does this mean? §145.

State is power as the actuality of the ethical idea.

Ethics – each time a *unity* – historical unification of the *concept* of the will and its Dasein as *knowing*.

## 222 Power and Leader

The leading power [*die führerische Macht*] is *in no way* the piling together of “powers” in one person – here nothing of the preservation of a multiplicity upon a unity and singularity – rather power is grounded in the leadership relation as such – which admittedly is never abstract – but rather essencing solely as determined by the leader.

On the whole this is *historical* and, as such, has its movedness – revelation and concealment – instant.

## 223 The Leader

in thinking (king) lord – in action, servant.

He thinks much and wills knowingly – what the people want, who indeed do not know what they want, but precisely in the leader come to themselves.

The leader thus not leader “through his *persuasive personality*” (liberal-aesthetic) or through cunning and violence – rather on the basis of a – metaphysical correspondence – which occurs groundingly – where the people attains to such a being [*Sein*] and – thoroughly shape it – as state.

Leadership thus in itself historical and the led – the people first rightly.

The *illusion* – (Appearing externally and at times internally).

The massive unavoidable 1.) with the size of the people; 2.) by its incurred massification – as much *proletarian* – as liberal-civilian – corresponding to each other. Cf. the *measurelessness* of the needs and the “distress” and deprivation in Hegel.

Necessary – to count on the masses as an illusion – such a means accordingly dangerous and ambiguous!

Force and seriousness and certainty of leadership.

## 224 Prince (Ruler) and Leader

Director of the bureaucratic apparatus.

Preparer of the danger and decider of the struggle and guardian of its new truths.

## 225 Leading and Mastery

In regard to this constitution there is talk (Carl Schmitt) of a “precedence of political leadership” “as basic law of the new constitutional law [Staatsrechts].”<sup>33</sup>

What sort of pre-cedence [Vor-rang]? In terms of what ranking [Ranghaftigkeit]? What does “political” mean there?!

What is meant: *Leadership as such* takes precedence – i.e. not because it leads – rather? How is the precedence of leadership as such to be grounded? What does grounding mean here? *Self-founding*? (Cf. 22<sup>34</sup>). As grounding back into the people, and that means a grounding ahead into its historical sending.

## 226 Leadership and Powers [Gewalten]

The *powers* [Gewalten] in the national-socialist state and leadership.

Cf. the legislative authority of the government!

Distribution in what sense?

*Responsibility* precisely the reverse – now there is gathered and originally preserved – in leadership; not *used up*.

## 227 Powers. What Does “State-Supporting Power” [Staatstragende Gewalt] Mean?

For example, a lord in Prussia – or civil service [Beamtenstand]!

Now “national-socialist movement”?

*Bearing and leading*!

To what extent necessary? How possible?

## C The Political

### Disposition – Constitution – (State)

#### 228 The Political

Idea political – state political – people political.

Like dogs – cats and rabbits?

“Political” falls from the sky – the utterly narrow-minded world of the period around (1890-) 1905!

Only to have do with other things and values.

#### 229 Care and State

Race – Community (Socialism) – Leadership – *People's Dasein* [Volkhaftes Dasein] – the *essence* of which is metaphysical how? In terms of what plan of being? and how do those three have *one* origin in this!

Which *passion* and exposure and mission!

What “limits” in conditions hitherto!

#### 230 Polis and “The Political”

Pertaining to the polis?

Pertaining to *politics*?

What then? Beyng?

Of what?

#### 231 Πόλις

Cf. *Odyssey* Z (6), v. 9 f.<sup>35</sup>

Settling – as middle of the region of the apportioned field – to surround with walls for protection – the seat of the gods – the market – place of consultation

and decision – the fully free – *πολίτης* – *ὁμόνοια* – *φιλία* – friends – their *ownmost* being.

The determining middle of the self-determining historical Dasein of a tribe and people. Steadfastness – World – Gods.

(*Finite* – no representation – no *territorium* – ).

εὐσύνοπτος.

## 232 “The Political”

“Pertaining” to the polis – pertaining *how!*

1. belonging to it – *characteristically* – what then emerges with this. Cf. *what is mechanical* in a machine
2. belonging to it – from *ground up* – as *constituting the essence* – the mechanical as being and essence – ground of possibility of a *mechanism* – thus the political – as ground of a *polis*.

N.B.: *Therefore*: each according to the concept of the state – to question.

“The political basic relation and origin of the state” – if this is an “international state” –

or:

the *state* – the nature of the state [*Staatswesen*], origin of the political.

Of what, then, does the political consist? In the essence of the state – the manner in which it essences! (*being!*) And this is? According to Hegel – the *original unification* – “*infinite spirit*” | movement | concrete freedom – return – effecting – self-developing *self-assertion*.

*Struggle for recognition* and *thus* first friend-enemy. This determination thus *only an* essential consequence (thus entirely unfounded! and only able to be founded metaphysically) – but not the *original* essence and also *no* way to this – far rather, typical – liberal!

## 233 Determining the State in Terms of the Political

means nothing other than space – from out of the essence of space.

The *state* is nothing other than the respective historical occurrence of the *stately* [des *Staathaften*] – since even “movement” and “people” *precisely are* – as “political.”

## 234 “The Political”

to complete? “*Being*” – as being of the historical human.

*History and politics.*

The concrete carrying out of the conflict viewed from the essential truth of the historical Dasein of the people.

Cf. *Heraclitus*.

## 235 The Political

Friend-Enemy-Relation an essential *consequence* of the political – but not this itself.

1.) In what way does one become and be an enemy?

2.) In what way is one a *political* friend?

Enemy (according to Carl Schmitt) a *being-other* – wherein the *entire* threat of the other *in regards to being* is a *not-recognizing* [Nicht-anerkennen] – the struggle against . . . – the *dis-qualifying* [Ab-erkennen] *of the mightiness of being* – the presupposition here with friend and enemy – *care*.

The wanting-to-become-oneself and the essential vocation of the people – this *occurs authentically* (or is always) *in the state* – (beyng of the people's Dasein [*des volklichen Daseins*]) as the *emerging struggle*: where “drive” and fragmentation essentially *as one!*

By what means does “opposition” have its essential origin? Thereby, *in that beyng* [is a] *historical being-in-the-world* – as *self-willing* – is a willing-*with* and -*against*.

*Because Dasein* – Being with others (historically) – thus – first people and state.

And thereby given along with this the friend–enemy relation.

What is that for an independence? That of the political.

Carl Schmitt thinks liberally: 1. because politics is “also” a sphere; 2. because he thinks in terms of the individual and his bearing. Cf. against this PS §§504–5, 3: 373–74/306–7.

He overlooks – that precisely the *conflict* has its inner transcendence – toward the state – [has] its fundamental significance – in its relatedness to the state – *insofar* as this is as the *being of the people* – but the state can also not “be” that

(even “state” [is] what? formal status, equipment, emergence. “Mathematical state.” Preface to the *Phenomenology*<sup>36</sup>).

Thus the “movement” is – “political” – *bearer and preserver of the political*.

The *political* (that is) being = *care of the people* (not “for” the people) and here now the appearing possibilities. But always cf. 1 below.

Becoming-oneself – *in being-other!* (domestic politics) – towards oneself and against the other!

Why necessary here a *merger* (inclusion) [Zusammen(Ein-)schluß] as *exclusion* [Ausschluß] – because – care – *for* the sake of *being-with!* and being-against – thus already *determination* of the other as friend!

## 236 The Political

“i.e. the standpoint of the highest concrete universality,” PR §303, 7: 474/344 (i.e. a standing in and carrying out).

Cf. §267.

The *political* – i.e. *essential* condition of a *people*. WH 122.

“A Constitution concerns the full formation [*Ausbildung*] of the rational, i.e., political, condition itself; the setting free of the moments of the concept that distinguish the particular powers [*Gewalten*], the completing of each in turn, but precisely in this way the collaboration of these in their freedom towards a goal, that is, the forming of an organic whole.” (PH 12: 65–66/46–47).

## 237 Hegel. The Political

“*highest duty*, to be a member of the state,” PR §258, 7: 399/275. Not to be understood thusly – as though an obligation just “came upon” the individual and his arbitrariness, rather – “Duty” is “Right” – both are only – in *historical being* a *disposition*.

The highest necessity of action comes from the free confidence in and respect for the *self-actualizing* idea of ethics.

The *necessity* of standing in the unification of events – this stance as one to know and to found.



## 238 “The Political” for Hegel

§257. Remark. *Political virtue*.

## 239 The Political?

= what pertains to the “state” (πόλις)!

Cf. however the “*political*” state, §267.

Thus “state” a broader concept? And indeed again the state first determined by the political.

Cf. the *spiritual state* (world-historical); the *state of necessity* (civil society).

*State* as *organism* – but likewise “organism of the state” (which the state forms).

Organism – as *spirit* – “*actual idea*.”

Spirit as “*idea*” (*self-articulating-differentiated* – releasing [*freigebend*] – sublating to unity) – Freedom – which has itself as actual before itself and in such “having” – is – a knowing willing.

## 240 “Political”

“The private life just as much as the political.” PH 12: 409/338.

The *public* – because the “*universal*,” i.e. *historically explicated*.

## 241 Organism –

*grounded in* the essence of *spirit* – not the reverse. | Becoming-oneself, reversal, movement – articulating oneself in oneself | .

The *animal* only a sleeping “organism.”

*Political constitution* – §271 – *and political disposition*.

The *unity* (political) of political constitution and political disposition – as the originally actual – spirit! It can each time be disturbed – displaced – not understood – *but always lies at ground*.

The essence of “*the political*” | *liberal version of the question*.

The “political” as the *Dasein of the state* – that unity allowing the original constitution and disposition to arise.

*Politics*: Enactment – Knowledge of the political.

“*Political upbringing*”! All upbringing is “political” – i.e. co-grounding and developing and retaining the *Dasein of the state*. The people is brought up into the state and only through this does it *become* the people. Whereby the state is not something “outside” of the “people.”

## 242 The Political Person

- 1) sense for the actual
- 2) political understanding
- 3) passion of satisfaction in immediate success
- 4) sweeping will power
- 5) familiarity with human nature
- 6) desire for the sobriety of history
- 7) hardness of the power struggles and machinations. Resourcefulness in the discourse of others
- 8) cunning – hesitation – stalling
- 9) striking at the properly timed moment
- 10) joy in spiritless accuracies, evasions, and contortions
- 11) need for publicity.

## 243 “The Political”

Friend–Enemy–Relation – to be aligned with that of true–false (etc.).

*What each* pertains to – truth – thinking? As *Dasein*.

*Good* – Action – as ethics.

*Beautiful* – the pleasurable [*Genußhaftes*] – as historical – *Essential!* Ideal!

Friend–Enemy – as “*being*” of the people – *in and for itself* – i.e. *historical Dasein* – presupposes πόλεμος and its metaphysical ground; and, accordingly, historicity, *becoming dangerous through decisions* [entscheidungs-gefahrbildend], *harboring danger, and eliminating danger* – thus, in accordance with resoluteness – [is] the *truth*.

## 244 “Disposition” {and “Education”}

formal concept – the “content” of the disposition (will) *created and opened through and in the constitution.*

*Willing – resoluteness – bearing –*

*Truth*

Standing in truth – become history – as such.

*Confidence – fides – fiducia – formed insight* [gebildete Einsicht] – fully-formed freedom [*ausgebildete Freiheit*]

“Right and Duty”

## 245 Custom

“that which belongs to the spirit of freedom,” PR §151a, 7: 302/195.

Just as animal – trees etc. obey their law.

*Habit* – not in the negative sense of the mere clinging to the previous – | without interest | – rather the *inner fortification* against caprice and accidental incidents, i.e. constantly new appropriation. Cf. sinking levels!

Cf. “Work and Education,” §187.

## 246 §268

Essence of disposition. Cf. Pfänder.<sup>37</sup>

Concept of “Education,” cf. §270 (to that §187)

Concept of *work*.

§268. “*Truth and Certainty*.”

Truth: Agreement of being with thinking and the reverse – *ontologically* – but idealistic.

## 247 Constitution

State – “as spirit of a people,” PR §274, 7: 440/312, PR §339a, 7: 502–3/371.<sup>38</sup>

The developed and actualized rationality | §265.

*Development – of the idea* – the self unfolding and thus *first returning into itself* and *grasping itself* – the upholding of the grasping and thus the self-condensing *articulation* of Dasein.

*Constitution* | “Organization” – organism – constitution in terms of organism – “organism” as presupposition – but “organism” from out of the essence of spirit = spiritual character of the *state*.

The appearing – i.e. self articulating *becoming* belongs to the essence of the de-velopment [*Ent-wicklung*], becoming an uncoiling [*Auswicklung*] which takes itself back into itself | to the essence of the idea.

## 248 Constitution

“Constitution is essentially a system of mediation” (PR §302a, 7: 472/343).

“The development and actualization of rationality” (PR §265, 7: 412/287).

Each the particular historically necessary principle of a people, upon the ground of which it historically is and in proceeding co-actualizes the events of the world spirit.

Each a stage of world spirit – therein it has absolute *right* – being recognized as historical – and only from this does a people obtain its enactment and its greatness.

Constitution = public *freedom* of the entire people – “not something made” – “the mere being [*Seiende*] in and for itself” – “the divine and enduring” (Conclusion of PR §273, 7: 439/312) – *the inner joining power of spirit becoming-itself!*

*Spirit* always – spirit of a people.

Constitution thus grounding in the *manner and formation of the self-consciousness* of a people.

## 249 Power and Will

“Thus the will is power in itself and the essence of universal power, of nature, and of spirit” (WH 91).

*The will* – which is master of itself – “*in and for itself*” – not the mere being for itself – rather the *becoming-itself-essence* – “knowing return into itself” –

*Knowing* is supremacy [*Vormacht*] – because, on the whole, the empowering of being.

## 250 Force [*Gewalt*] and Spirit and Sovereignty

Power lies in the willing of oneself, in the sublating, reverse-compulsion of the self to itself (independence) – in *ideality* as mastery over every finitude – but in such a manner that it precisely develops itself to differentiations.

Against everything singular and particular – | life – individual – and its rights – and against broader circles. Cf. §327.

*Sovereignty* has its principle in “idealism”; “*ideality*.”

The absolute origin of the powers [*Gewalten*], cf. PR §272, 7: 433/306!

## 251 Right and Force [*Gewalt*]

The state only “*has*” power because it “*is*” power – and it “*is*” power – because it “*is*” spirit.

What does *beyng* mean here?

And what does it mean here: “power” – force [*Gewalt*]?

## 252 Power and State

“The people as state is the spirit in its substantial rationality and immediate actuality, and thus the absolute power on *earth*; one state is consequently in sovereign independence against the others” (PR §331, 7: 498/366).

## 253 Governmental Power [*Regierungsgewalt*]

as a *conducting and keeping-at-work* of the willed decisions of the humans.

*Administration* [Ver-waltung] – : as persevering and enacting of the highest force [*Gewalt*].

*Administration of justice* [Rechtspflege] – *concern for care*.

*Authorities and officials*.

## 254 The Effectiveness of the State and the Powers [*Gewalten*]

Power [*Macht*] and force [*Gewalt*].

State – as *spirit* – (ethical) *knowing will*.

*Will and power!*

Sovereignty – (*suprema potestas; supremitas*).

*Mastery and spirit.*

## 255 State-Constitution

cannot be made and invented.

“A stupidity” – “to invent and wish to carry out a state constitution independent of religion” (PH 12: 71/52, 70/51).

“The principle of the state, therefore, the universal, which it requires, is known as the absolute, as the determination of the divine essence itself” (WH 107).

Cf. however, above all PH 12: 71/52!!

## 256 State as “Unification” of the Universal and Particular

The universal: the idea of freedom.

The particular – the vitality and activity of the individual.

In *every one* of these aspects – [the state] is the connection.

The objective existence [*Dasein*] of this unification is the state.

All spiritual doing only has the purpose – to make this unification – i.e. its freedom – conscious to itself.

Thus is the state – foundation: center point for religion, art, science, law [*Recht*].

Figuration of this *known* unification – , at the forefront: religion (PH 12: 68–69/49–50).

In religion, the true in representation and feeling –  
in art, the true in intuition –

in philosophy, the true in concept. The highest, most free, and truest configuration.

“Religion is the place where a people gives itself the definition of that which it holds for true” (PH 12: 70/50).

“Just as a people represents God to itself, so does it also represent its relation to God, or so does it represent itself; thus is religion likewise the people’s concept of itself” (WH 105).

## 257 People. Hegel

Cf. WH 100f. top.

“We have, when we speak of a people, to explicate the powers in which its spirit particularizes itself” (Religion, Constitution, Legal Philosophy ...; Industry – Trade – Art – Science. WH 100.)

– “What it comes to is the definition of what kind of connection is actually present” (WH 101). The underlying principle!

“The principle of a people is its *self-consciousness*, the effective force in the destinies of the peoples. The aspects of formation of a people are the relations of spirit to itself” (WH 101).

## 258 Hegel. The State

The spiritual state (cf. *World History*) –  
 the political state – Constitution –  
 the state of necessity – Civil society.

## 259 Idea of the State and Constitution

i.e. its appearing – as self differentiation into its *unity* – which is dialectically articulated in itself.

That, wherein the state – that is, the spirit, has itself before itself, “sees itself,” knows itself.

Being – each time *self-consciousness* – the developed self in knowledge

holding before itself and thus knowingly willing – retaining it. Decisiveness of the *context*, its kind and *power*!

The spirit – thus having itself in *state* – *religion* – *art* – *science*.

The *state* again in itself – in the constitution – having-before-itself and in this having – self-having – grasping [*Fassen*] – “constitution” [*Verfassung*].

## 260 Historical Dasein of a People

“having a rank” –

every single group and stance *distinct* –  
essential – clear – *knowledge of state* –  
being “in” it.

## 261 The State as Original Unification of the Universal and Individual

nothing in this occurrence as such that would not be reciprocal (cf. sacrifice).

The *original* – *letting emerge* and thus something properly *grounding* – a *sound originality* – one that *does not just dissipate*.

## Notes

- 1 A section of the *Phenomenology of Spirit*, V.C.a., “The Spiritual Animal Kingdom and Deceit, or the ‘Matter in Hand’ Itself,” PS, 3: 294–311/237–52.
- 2 See PR §272, 7: 344/307 (“to devise ingenious defences”).
- 3 G.W.F. Hegel, *Schriften zur Politik und Rechtsphilosophie*, ed. Georg Lasson, *Sämtliche Werke* vol. 7 (Leipzig: Meiner, 1923), 489. English translation: *System of Ethical Life and First Philosophy of Spirit*, ed. and trans. T.M. Knox and H.S. Harris (Albany: State University of New York Press, 1988), 167–68.
- 4 Carl Schmitt, *Legalität und Legitimität* (Berlin: Duncker und Humblot, 2005), 9–10. English translation: *Legality and Legitimacy*, ed. and trans. Jeffrey Seitzer (Durham, NC: Duke University Press, 2004), 5–6.
- 5 See PR §272, 7: 344/307.
- 6 Cf. *Reichsgesetzblatt*, Teil I: Ausgegeben zu Berlin, den 24. März 1933, Nr. 25, ed. Reichsministerium des Innern, (Berlin: Reichsverlagsamt, 1933), 141. Translator’s



- Note: the "Enabling Act," signed by Hindenburg that gave Hitler plenary power, the power to make laws on his own, and effectively made him dictator of Germany, bringing the Weimar Republic to an end. See Jeremy Noakes and Geoffrey Pridham, eds., *Documents on Nazism, 1919–1945* (London: Jonathan Cape, 1974), 188–95.
- 7 Cf. *Reichsgesetzblatt*, Teil I: Ausgegeben zu Berlin, den 7. April 1933, Nr. 33, ed. Reichsministerium des Innern (Berlin: Reichsverlagsamt, 1933), 173. Translator's Note: the "second law for the coordination [*Gleichschaltung*] of the states with the Reich," which established one governor per state, charged with overseeing the implementation of Hitler's directives, effectively defederalizing the Reich. See Noakes and Pridham, *Documents on Nazism*, 239–42.
  - 8 Cf. *Reichsgesetzblatt*. Teil I: Ausgegeben zu Berlin, den 1. Dezember 1933, Nr. 135, ed. Reichsministerium des Innern (Berlin: Reichsverlagsamt, 1933), 1016. Translator's Note: law equating the NSDAP with the German state, making it the bearer of the "idea of the state [*Staatsgedankens*]," and a corporation under public law with its statutes (*Satzungen*) defined by Hitler. See Noakes and Pridham, *Documents on Nazism*, 233–34.
  - 9 Cicero, *De Re Publica*, I.42, in Cicero, vol. 16: *De Re Publica. De Legibus*, ed. and trans. C.W. Keyes, Loeb Classical Library 213 (Cambridge: Harvard University Press, 2000), "the form of this State" (66–67).
  - 10 Cicero, *Orator*, trans. H.M. Hubbell, in Cicero, vol. 5: *Brutus. Orator*, 295–509, Loeb Classical Library 342 (Cambridge: Harvard University Press, 1962): "but I have always used a vigorous style, and by this kind of oratory I have often dislodged opponents" (xxxvii, 129), 402–3.
  - 11 Translator's Note: See also Carl Schmitt, *Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit* (Hamburg: Hanseatische Verlagsanstalt, 1933): "On this 30th of January the Hegelian bureaucratic state of the 19th century, characterized by the unity of the bureaucracy and the stratum in charge of the state, was replaced by another construction of state. Accordingly, on this day, one can say, 'Hegel died.'" This does not mean that the great work of the German philosopher of state became meaningless and the thought of a political leadership standing beyond the egoism of societal interests was abandoned. What is timelessly great and German in Hegel's powerful spiritual construction remains effective even in the new configuration. Only the forms of the Hegelian bureaucratic state corresponding to the domestic political situation of the 19th century are eliminated and replaced by other configurations, corresponding to our contemporary reality" (31–32). English translation: *State, Movement, People: The Triadic Structure of the Political Unity*, ed. and trans. Simona Draghici (Corvallis, OR: Plutarch Press, 2001), 35.
  - 12 Editor's Note: one word illegible.
  - 13 Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, in: *Kant's gesammelte Schriften*, vol. 4, Akademie-Ausgabe (Berlin: Königlich Preussischen Akademie der

- Wissenschaften, 1903), 400. English translation: *Groundwork of the Metaphysics of Morals*, in *Practical Philosophy*, ed. and trans. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 55.
- 14 G.W.F. Hegel, *Der Staat*, ed. with introduction by Paul Alfred Merbach (Leipzig: Alfred Kröner Verlag, 1934).
  - 15 Friedrich Nietzsche, *Der Fall Wagner, Götzen-Dämmerung*, et. al. (Berlin: Walter de Gruyter, 1969), "I mistrust all systematizers and I avoid them. The will to a system is a lack of righteousness" (KGW VI-3: 57, English translation: *Twilight of the Idols*, in *The Portable Nietzsche*, ed. and trans. Walter Kaufmann [New York: Viking Press, 1982], 470, translation modified); Nietzsche, *Nachgelassene Fragmente: Herbst 1887 bis März 1888* (Berlin: Walter de Gruyter & Co., 1970), "The will to a system: in a philosopher, morally expressed, a refined depravity, a character sickness, immorally expressed, his will, to present oneself dumber than one is – dumber, that means: stronger, simpler, more imperiously, less educatedly, more commandingly, more tyrannically . . ." (KGW VIII-2: 114); Nietzsche, *Nachgelassene Fragmente: Frühjahr bis Herbst 1884* (Berlin: Walter de Gruyter, 1974), "It is something childish or even a kind of fraud, if today a thinker sets up a whole of knowledge, a system – we are far too shrewd not to bear in ourselves the deepest doubt in the possibility of such a whole" (KGW VII-2: 128–29).
  - 16 G.W.F. Hegel, "Konzept der Rede beim Antritt des philosophischen Lehramtes an der Universität Berlin (Einleitung zur Enzyklopädie-Vorlesung) 22. Okt. 1818," *Werke* 10: 399–417. English translation: "Inaugural Address, Delivered at the University of Berlin (22 October 1818)," trans. H.B. Nisbet, in G.W.F. Hegel, *Political Writings*, ed. Laurence Dickey and H.B. Nisbet (Cambridge: Cambridge University Press, 1999), 181–85.
  - 17 Translator's Note: the original title of the *Philosophy of Right*, as published in 1821, G.W.F. Hegel, *Naturrecht und Staatswissenschaft im Grundrisse. Grundlinien der Philosophie des Rechts* (Berlin: Nicolai, 1821).
  - 18 Editor's Note: Cf. the transcript from Wilhelm Hallwachs and protocol from 5.12.1934. GA 86: 579–85, 628–32. Translator's Note: Erik Wolf (1902–1977) was a German legal theorist and philosopher of law and since 1930 chair of the history of jurisprudence and philosophy of law at Albert-Ludwigs-Universität Freiburg. At the time of Heidegger's seminar, Wolf was a member of the Nazi party and in 1934 had been appointed Dean of the legal faculty by Rector Martin Heidegger. Wolf's publications at the time included *Right Proper in the National-Socialist State* (*Richtiges Recht im nationalsozialistischen Staate* [Freiburg: Wagner, 1934]) and "The Legal Ideal of the National-Socialist State" ("Das Rechtsideal des Nationalsozialistischen Staates," *Archiv für Rechts- und Sozialphilosophie* 28 [1934–35]: 348–63). His relation to Heidegger during the time of his rectorship is recounted in Hugo Ott, *Martin Heidegger: A Political Life*, trans. Allen Blunden (New York: HarperCollins, 1993), 236–40, 247–49.

- 19 Translator's Note: the *Deutsche Christen* were a German Protestant group during the Third Reich that aligned itself with National Socialism, affirming the party's anti-Semitism and Führer principle among other aspects. For an overview see Doris L. Bergen, "One Reich, One People, One Church!: The German Christians," introduction to *Twisted Cross: The German Christian Movement in the Third Reich* (Chapel Hill: University of North Carolina Press, 1996), 1–20.
- 20 Aristotelis, *Metaphysica*, ed. W. Jaeger (Oxford: Oxford University Press, 1957). English translation: *Metaphysics*, trans. W.D. Ross, in *The Complete Works of Aristotle*, vol. 2, ed. Jonathan Barnes (Princeton: Princeton University Press, 1995), 1586. The passage in question reads: "dialecticians and sophists assume the same guise as the philosopher, for sophistic is philosophy which exists only in semblance, and dialecticians embrace all things in their dialectic, and being is common to all things; but evidently their dialectic embraces these subjects because these are proper to philosophy. – For sophistic and dialectic turn on the same class of things as philosophy, but this differs from dialectic in the nature of the faculty required and from sophistic in respect of the purpose of the philosophic life. Dialectic is merely critical where philosophy claims to know, and sophistic is what appears to be philosophy, but is not" (1004 b17–26).
- 21 G.W.F. Hegel, *Jenaer Realphilosophie: Vorlesungsmanuskripte zur Philosophie der Natur und des Geistes von 1805–1806*, ed. Johannes Hoffmeister (Hamburg: Meiner, 1967 [1931]), 197–99.
- 22 G.W.F. Hegel, "[Über] Friedrich Heinrich Jacobi's Werke. Dritter Band. Leipzig, bei Gerhard Fleischer dem Jüngeren, 1816. xxxvi und 568 S." *Werke* 4: 35. English translation: *Heidelberg Writings: Journal Publications*, ed. and trans. Brady Bowman and Allen Speight (Cambridge: Cambridge University Press, 2009), 9.
- 23 Cf. E1 §13, 8: 59/38.
- 24 Translator's Note: On Erik Wolf, see note 18 above.
- 25 Roderich von Stintzing, *Geschichte der deutschen Rechtswissenschaft*, 4 vols. (München/Leipzig: Oldenbourg, 1880–1884).
- 26 Immanuel Kant, *Die Metaphysik der Sitten*, in *Kant's gesammelte Schriften*, vol. 6, Akademie-Ausgabe (Berlin: Königlich Preußischen Akademie der Wissenschaften, 1907), 203–494. English translation: *The Metaphysics of Morals*, in *Practical Philosophy*, ed. and trans. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 353–603. Immanuel Kant, *Metaphysische Anfangsgründe der Naturwissenschaft*, in *Kant's gesammelte Schriften*, vol. 4, Akademie-Ausgabe (Berlin: Königlich Preußischen Akademie der Wissenschaften, 1903), 467–565. English translation: *Metaphysical Foundations of Natural Science*, trans. Michael Friedman, in *Theoretical Philosophy After 1781*, ed. Henry Allison and Peter Heath (Cambridge: Cambridge University Press, 2010), 171–270.

- 27 G.W.F. Hegel, "Hamans Schriften. Herausgegeben von Friedrich Roth. VII Teile. Berlin, bei Reimer. 1821–1825," in *Werke* 11: 275–353. English translation: "The Writings of Hamann," in *Hegel on Hamann*, ed. and trans. Lisa Marie Anderson (Evanston, IL: Northwestern University Press, 2008), 41.
- 28 Karl Rosenkranz, *Hegel als deutscher Nationalphilosoph* (Leipzig: Duncker und Humblot, 1870), 153.
- 29 Rosenkranz, *Hegel als deutscher Nationalphilosoph*: "As the third part of his system, Hegel in Frankfurt had already put forward the philosophy of spirit, although – quite similar to Plato – at first only as an ethics. If Schelling, in connection with Fichte's *Wissenschaftslehre*, concerned himself mainly with the history of consciousness, and only in the *System of Transcendental Idealism* touched fleetingly upon the 'concept' of the state in keeping with Kantian basic definitions, and even in his later philosophy only seldom and more evasively came back to it, it is not to be denied that from the outset Hegel took the most lively interest precisely for the idea of the state and continually retained that interest. To correctly understand him here, one can only say that the Greek state hovered before him as an ideal; and yet this general comparison does not suffice, since one must also bring those temporal elements into consideration which Hegel had to face in making his first attempt. These were the Kantian concepts of legality and morality. Legality is the observation of what is legal in an extrinsic, formal way; morality is the self-certain obedience to duty, which itself is determined by the idea of the good. Legality can proceed entirely correctly, without thereby having a good will; it subordinates itself to the compulsion of the currently valid law; it can comply with the law, solely from out of fear of punishment, hypocritically, thus immorally, and thereby be beyond reproach. Morality is supposed to determine itself only through those necessities which it cognizes and recognizes as duty; it is supposed to do its duty for the sake of duty; it is supposed to have the disposition of the good. It thus has immorality constantly within itself and can even fall into contradiction with the prevailing law in accordance with its duty. This opposition of abstract exteriority with interiority, Hegel wanted to sublate in a third concept, which he indicated by the German word *Sittlichkeit*, which he also subsequently retained. This word offers difficulties, since we use it as synonymous with morality and the Romance languages [*romanischen Völker*] have simply no equivalent for this. In French, at presentations on the Hegelian philosophy, I have used the expression *sociabilité* for this. Even in German the philosophers, politicians, and lawyers who follow Hegel in the matter have benefited by searching out the Greek sense of *ethos*. Hegel wanted to say that what holds as law for a people should also exist in the free customs of its citizens. The law should become the living will of all individuals through their habits. Customs should not have a different content from

the law, but instead the law should become flesh and blood in them, and thereby morality should become superfluous as an anxious, awkward, self-determination encumbered with skepticism, to which legality would be opposed. But such a harmony according to Hegel is only possible in the state" (55–56).

30 Friedrich Wilhelm Joseph Schelling, *Abhandlungen zur Erläuterung des Idealismus der Wissenschaftslehre I–IV* (1796/97), in *Schellings Werke*, ed. Manfred Schröter, vol. 1: *Jugendschriften 1793–1798* (Münich: C.H. Beck and R. Oldenbourg, 1927), 267–376.

31 Translator's Note: a well-known pseudo-citation from Hegel, supposedly in response to claims that his philosophy of nature did not accord with the facts of the world.

32 Carl Schmitt, *Der Begriff des Politischen: Text von 1932 mit einem Vorwort und drei Corollarien* (Berlin: Duncker und Humblot, 1996), 26 ff. English translation: *The Concept of the Political*, Expanded Edition, trans. George Schwab (Chicago: University of Chicago Press, 2007), 26 ff.

33 Carl Schmitt, *Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit* (Hamburg: Hanseatische Verlagsanstalt, 1933), 9. English translation: *State, Movement, People: The Triadic Structure of the Political Unity*, ed. and trans. Simona Draghici (Corvallis, OR: Plutarch Press, 2001), 8–9.

34 Schmitt, *Staat, Bewegung, Volk*, 22, English translation: *State, Movement, People*, 23.

35 Homeri, *Opera*, vol. 3: *Odyssee Libros I–XII Continens*, ed. Thomas W. Allen (Oxford: Oxford University Press, 1950). English translation: *The Odyssey of Homer*, trans. Richmond Lattimore (New York: Harper & Row, 1967). The full sentence (v. 7–10) reads: "From here godlike Nausithoös had removed and led a migration, and settled in Scheria, far away from men who eat bread, and driven a wall about the city, and built the houses, and made the temples of the gods, and allotted the holdings" (102).

36 Cf. PS 3: 47/28, "the scientific state bequeathed by mathematics."

37 Alexander Pfänder, *Zur Psychologie der Gesinnungen*, 2 vols (Halle an der Saale: Max Niemeyer Verlag: 1913 and 1916).

38 Translator's Note: Heidegger's reference is to a section of the *Philosophy of Right*, §274, followed by what appears to be a page number, 371. Assuming this is to the Lasson edition of the *Philosophy of Right*, it is to a page of additions to the text (and Heidegger cites from these additions in the very next section of this seminar, §248), though in this case none is to the section in question, §274. The Lasson page includes additions to §331, 338, and 339. Since the most likely candidate is the addition to §339 concerning "European international law [*Völkerrecht*]," I provide the reference to this addition in the above.

## Appendices

## List of Contributors

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**Alexandre Franco de Sá:** Associate Professor of Philosophy at the University of Coimbra, Portugal. A specialist in political thought and twentieth-century German philosophy, he is the author of *The Metamorphosis of Power* (2004), *Power for the Sake of Power: Fiction and Order in Schmitt's Confrontation with Power* (2009), *Power, Right, and Order: Essays on Carl Schmitt* (2012), as well as numerous articles on the issues related to human rights, the philosophy of Martin Heidegger, philosophy of life, and political theology.

**Martin Heidegger** (1889–1976) is regarded as one of the twentieth century's most important philosophers.

**Susanna Lindberg:** Professor of Theoretical Philosophy in the Department of History and Philosophy at the University of Tampere in Finland. She is the author of *Les irréconciliables: Heidegger contre Hegel* (2010) and *Entre Heidegger et Hegel: Ecllosion et vie de l'être* (2011). In a number of articles, she has shown how contemporary phenomenological and deconstructive philosophy carries a strong but often ignored inheritance of German Idealist and Romantic philosophy of nature and, in particular, of Schelling and Hegel.

**Michael Marder:** IKERBASQUE Research Professor of Philosophy at the University of the Basque Country, Vitoria-Gasteiz, Spain. The author of *The Event of the Thing: Derrida's Post-Deconstructive Realism* (2009), *Groundless Existence: The Political Ontology of Carl Schmitt* (2010), *Plant-Thinking: A Philosophy of Vegetal Life* (2013), *Phenomena-Critique-Logos: The Project of Critical Phenomenology* (2014), and *The Philosopher's Plant: An Intellectual Herbarium* (2014), he has published widely in the fields of phenomenology, deconstruction, environmental thought, and political philosophy. He is an editorial associate of the journal *Telos* and general editor or co-editor of four book series.

**Andrew J. Mitchell:** Associate Professor of Philosophy at Emory University. He specializes in 19th and 20th Century German philosophy (Romanticism, Nietzsche, Heidegger), aesthetics, and the philosophy of literature. He is author of *Heidegger Among the Sculptors: Body, Space, and the Art of Dwelling* (2010) and *The Fourfold: Reading the Late Heidegger* (2014). He is co-translator of Heidegger's *Four Seminars* (2003) and translator of *The Bremen and Freiburg Lectures* (2012).

**Richard Polt:** Professor of Philosophy at Xavier University. Aside from two single-authored books on the thought of Heidegger, he co-translated a number of Heidegger's texts, including, most recently, *Being and Truth* (2011) and *Nature, History, State: 1933–1934* (2013).

**Peter Trawny:** A specialist in the fields of a phenomenological and hermeneutical Political Philosophy and Aesthetics and a Professor at the Bergische Universität Wuppertal. He is the author of books on Heidegger, Hegel, Schelling, Arendt, and Plato. Recent publications include *Adyton: Heideggers esoterische Philosophie* (2010), and *Medium und Revolution* (2011), both by Matthes & Seitz, Berlin. He is a co-editor of Heidegger's *Gesamtausgabe*, or the complete works (vol. 35, 69, 73, 86, 90, 94–96).



# German–English Glossary

Aktuosität	actuality
allgemein	universal; general
Allgemeinheit	universality
Allgemeinsein	universal being
anerkennen	to recognize
Anerkennen	recognition
Anfang	beginning; inception
ansprechen	to address
Augenhöhe	sublatedness
aufheben	to sublate
Ausbildung	education; full formation
Ausdauer	perseverance
auseinandergehen	to come apart, to split apart
Auseinandersetzung	confrontation
ausführen	to conduct
Ausgleich	balance
aushalten	to endure
äußere Staat	international state
äußere	international
austragen	to carry out
ausübende	executive
Auswicklung	uncoiling
Beamtenapparat	bureaucratic offices
Beamtenstaat	bureaucratic state
beanspruchen	to claim
Bedrängnis	distress
Bedürfnis	need
befremden	to alienate
Beginn	starting point
begründen	to found
Beratung	consultation
beschließen	to decide upon something
beschränken	to restrict
Beschränkung	restriction
Besondere	the particular

Besonderheit	particularity
Besorgen	concern
Bestimmung	determination, definition
betreiben	to pursue
bewahren	to preserve
Bewahrung	preservation
bewirken	to effect
Bildung	education
Bodenlosigkeit	baselessness
bürgerlicher Gesellschaft	civil society
bürgerliches Recht	civil law
Bürgertum	bourgeoisie
Diremption	diremption
Drang	urge
Durchdringung	penetration
durchsetzen	to impose
eigensinnig	obstinate
Eigenständigkeit	self-reliance
Eigenwilligkeit	self-will
Einheit	unity
Einigung	unification
Einrichtung	arrangement; organization
Einschränkung	constraint; qualification
Einteilung	classification
Einzelheit	individuality
Einzelnen	individual
Entbehrung	lack
entfalten	to develop, to unfold
Entgründung	degrounding
Entschlossenheit	resoluteness
Entwicklung	development
Ent-wicklung	unfurling
Entzweiung	bifurcation
erinnern	to remember
erkennen	cognize
Erscheinung	appearance
erwirkende	effective
Erwirkung	effectivity, effectiveness
Erziehung	upbringing
Festigung	fortification
Freiheitlichkeit	freedomliness

führen	to lead
Führer	leader
Führung	leadership
Fürstenrecht	law of princes
Gebildete	the educated
gediegen	sound
Gegensatz	opposite, antithesis
Gemeinsamkeit	commonality
Gemeinschaft	community
genossenschaftliches Nachbarrecht	cooperative neighbor law
genossenschaftlicher Verband	cooperative association
Geschehen	events
Gesellschaft	society
gesetzgebend	legislative
Gesinnung	disposition
Gestaltung	configuration
Gestimmtheit	being attuned
Gewalt	power (legislative, judicial, executive); force
Gewaltenteilung	separation of powers
Gewalttätigkeit	violence
Gewerbe	industry; trade
gleichgeschaltet	consolidated
Glieder	member
gliedern	to articulate
Gliederung	articulation
Grund	ground, basis; <i>im Grunde</i> : in principle
gründen	grounding
Grundlage	fundament
grundsätzliche	fundamental
Grundstellung	fundamental position
Handwerkliche	craftsmanship
handwerklichen Kenntnis	technical knowledge
Herkunft	provenance
Herrschaft	mastery, dominance
Herrschaftlichkeit	masterliness
Innenpolitik	domestic politics
Inneres Staatsrecht	domestic law
innerlich	domestic
Inständigkeit	steadfastness
Interessengemeinschaft	community of interests
Kampf	struggle

Kathederphilosophie	professional philosophy
Kentnisse	acquaintance
Konkurrenz	competition
Korporation	corporation
Lage	situation
Maafß	standard
Macht	power
Mächtigkeit	mightiness
Moral	morals
Moralität	morality
Naturrecht	natural law
Notbehelf	stopgap
Notstaat	state of necessity
Objektivität	objectivity
Obrigkeit	authority
Offenbarkeit	manifestness
öffentlich	public
Ort	location
Pflicht	duty; <i>in der Pflicht stehen</i> : to have a duty
Privatrecht	private right, civil law
Rat	counsel
Recht	right, law; <i>im Recht sein</i> : to have the right
Rechtsfähigkeit	legal capacity
Rechtfertigung	justification
Rechtsbildung	formation of law
Rechtsdogmatik	legal doctrine
Rechtsfindung	legal finding
Rechtsgestaltung	shaping the law
Rechtsidee	idea of right
Rechtslehre	jurisprudence
Rechtschaffenheit	righteousness
Rechtsperson	legal entity
Rechtspflege	administration of justice
Rechtsphilosophie	philosophy of right, legal philosophy
Rechtsstaat	constitutional state
Rechtsüberzeugung	legal conviction
Rechtswidrige	contrary to law
Rechtswissenschaft	jurisprudence
Regierung	governing
Reich	empire
richterliche	judicial

Rückkehr	return; reversal
Sache	the matter
scheiden	to distinguish
Schein	illusion
Schicksal	fate
Sein	being
Selbstbehauptung	self-assertion
Selbstständigkeit	independence
Sendung	mission
Seyn	beyng
Sitte	custom
sittliche	ethical
Sittlichkeit	ethical life, ethics
Sonderbarkeit	oddity
Sorge	care
Souveränität	sovereignty
Staat	state
staathaft	stately
staatlich	governmentally; stately
Staatslehre	political science
Staatsrechts	constitutional law
Staatswesen	nature of the state
Staatswissenschaft	political science
standhaltend	resilient
Stimmung	mood
subsumieren	to subsume
Sucht	addiction
teilen	to separate
Teilung	separation; <i>Gewaltenteilung</i> : separation of powers
treiben	to urge
trennen	to divide
Trennung	division
Trieb	impulse, drive
unendlich	infinite
Unruhe	disquiet
Unterscheidung	differentiation
Ursprung	origin
ursprüngliche	originary, original
uteilen	to judge
Verband	association
Verfassung	constitution

Verflachung	leveling out
Verhalten	comportment
Vernunft	reason
vernünftig	reasonable, rational
Verpflichtung	obligation
Verstandesstaat	state of understanding
Verteilung	distribution
vertraut	familiar
Verwaltung	administration
Vieldeutigkeit	ambiguity
Volk	people
Volkhaft	national
volklich	of a people, in terms of a people
Völkerrecht	international law
Volksrecht	people's law
vollbringen	to accomplish; obey (a law)
vollenden	to complete
Vollziehung	execution
Vollzug	enactment
Vorbehalt	reserve
Vorgriff	fore-conception
Wahrung	guarding
Wesensverwirklichung	actualization of essence
Wesenswille	essential will
Widersein	being-against
Widerstreit	conflict
Widrigkeit	contrariety
Willkür	arbitrary will, caprice
Wirkendes	something effective
Wirklichkeit	actuality
Zerklüftung	fissure
Zucht	discipline
Züchtung	breeding
Zügellosigkeit	licentiousness
zurückkehren	to turn back
Zuständigkeit	competency
Zuteilung	allocation
Zutrauen	confidence
Zweck	end, purpose

# English–German Glossary

accomplish	vollbringen
acquaintance	Kentnisse
actuality	Wirklichkeit
actualization of essence	Wesensverwirklichung
actuality	Aktuosität
addiction	Sucht
address	ansprechen
administration	Verwaltung
administration of justice	Rechtspflege
alienate	befremden
allocation	Zuteilung
ambiguity	Vieldeutigkeit
antithesis	Gegensatz
appearance	Erscheinung
arbitrary will, caprice	Willkür
arrangement	Einrichtung
articulate	gliedern
articulation	Gliederung
association	Verband
authority	Obrigkeit
balance	Ausgleich
baselessness	Bodenlosigkeit
basis	Basis
basis	Grund
beginning	Anfang
being	Sein
being attuned	Gestimmtheit
being-against	Widersein
beyng	Seyn
bifurcation	Entzweiung
bourgeoisie	Bürgertum
breeding	Züchtung
bureaucratic apparatus	Beamtenapparat
bureaucratic state	Beamtenstaat
care	Sorge

carry out	austragen
civil law	bürgerliches Recht
civil law	Privatrecht
civil society	bürgerlicher Gesellschaft
claim	beanspruchen
classification	Einteilung
cognize	erkennen
come apart	auseinandergehen
commonality	Gemeinsamkeit
community	Gemeinschaft
community of interests	Interessengemeinschaft
competency	Zuständigkeit
competition	Konkurrenz
complete	vollenden
comportment	Verhalten
concern	Besorgen
conduct	ausführen
confidence	Zutrauen
configuration	Gestaltung
conflict	Widerstreit
confrontation	Auseinandersetzung
consolidated	gleichgeschaltet
constitution	Verfassung
constitutional law	Staatsrechts
constitutional state	Rechtsstaat
constraint	Einschränkung
consultation	Beratung
contrariety	Widrigkeit
contrary to law	Rechtswidrige
cooperative association	genossenschaftlicher Verband
cooperative neighbor law	genossenschaftliches Nachbarrecht
corporation	Korporation
counsel	Rat
craftsmanship	Handwerkliche
custom	Sitte
decide upon something	beschließen
degrounding	Entgründung
determination, definition	Bestimmung
develop, to unfold	entfalten
development	Entwicklung
differentiation	Unterscheidung



diremption	Diremption
discipline	Zucht
disposition	Gesinnung
disquiet	Unruhe
distinguish	scheiden
distress	Bedrängnis
distribution	Verteilung
divide	trennen
division	Trennung
domestic	innerlich
domestic law	Inneres Staatsrecht
domestic politics	Innenpolitik
drive	Trieb
duty	Pflicht; in der Pflicht stehen: to have a duty
educated	Gebildete
education	Ausbildung
education	Bildung
effect	bewirken
effective	erwirkende
effectiveness	Erwirkung
empire	Reich
enactment	Vollzug
end	Zweck
endure	aushalten
essential will	Wesenswille
ethical	sittliche
ethical life	Sittlichkeit
ethics	Sittlichkeit
events	Geschehen
execution	Vollziehung
executive	ausübende
familiar	vertraut
fate	Schicksal
fissure	Zerklüftung
force	Gewalt
fore-conception	Vorgriff
formation of law	Rechtsbildung
fortification	Festigung
found	begründen
freedomliness	Freiheitlichkeit
full formation	Ausbildung

fundament	Grundlage
fundamental	grundsätzliche
fundamental position	Grundstellung
governing	Regierung
governmentally	staatlich
ground	Grund
grounding	gründen
guarding	Wahrung
idea of right	Rechtsidee
illusion	Schein
impose	durchsetzen
impulse	Trieb
inception	Anfang
independence	Selbstständigkeit
individual	Einzelnen
individuality	Einzelheit
industry	Gewerbe
infinite	unendlich
international	äußere
international law	Völkerrecht
international state	äußere Staat
judge	uteilen
judicial	richterliche
jurisprudence	Rechtslehre
jurisprudence	Rechtswissenschaft
justification	Rechtfertigung
lack	Entbehrung
law	Recht
law of princes	Fürstenrecht
lead	führen
leader	Führer
leadership	Führung
legal capacity	Rechtsfähigkeit
legal conviction	Rechtsüberzeugung
legal doctrine	Rechtsdogmatik
legal entity	Rechtsperson
legal finding	Rechtsfindung
legal philosophy	Rechtsphilosophie
legally	rechtlich
legislative	gesetzgebend
leveling out	Verflachung

licentiousness	Zügellosigkeit
location	Ort
manifestness	Offenbarkeit
masterliness	Herrschaftlichkeit
mastery	Herrschaft
matter	Sache
member	Glieder
mightiness	Mächtigkeit
mission	Sendung
mood	Stimmung
morality	Moralität
morals	Moral
national	Volkhaft
natural law	Naturrecht
nature of the state	Staatswesen
need	Bedürfnis
objectivity	Objektivität
obligation	Verpflichtung
obstinate	eigensinnig
oddity	Sonderbarkeit
opposite	Gegensatz
organization	Einrichtung
origin	Ursprung
originary, original	ursprüngliche
particular	Besondere
particularity	Besonderheit
penetration [61]	Durchdringung
people	Volk; volklich: of a people, in terms of a people
people's law	Volksrecht
perseverance	Ausdauer
political science	Staatswissenschaft
political science	Staatslehre
power	Macht
power	(legislative, judicial, executive) Gewalt
preservation	Bewahrung
preserve	bewahren
private right	Privatrecht
professional philosophy	Kathedrophilosophie
provenance	Herkunft
public	öffentlich
purpose	Zweck

pursue	betreiben
reason	Vernunft
reasonable	vernünftig
recognition	Anerkennen
recognize	anerkennen
remember	erinnern
reserve	Vorbehalt
resilient	standhaltend
resoluteness	Entschlossenheit
restrict	beschränken
restriction	Beschränkung
return	Rückkehr
reversal	Rückkehr
right	Recht; im Recht sein: to have the right
righteousness	Rechtschaffenheit
self-assertion	Selbstbehauptung
self-reliance	Eigenständigkeit
self-will	Eigenwilligkeit
separate	teilen
separation	Teilung
separation of powers	Gewaltenteilung
Separation of powers	Gewaltenteilung
shaping the law	Rechtsgestaltung
situation	Lage
society	Gesellschaft
something effective	Wirkendes
sound	gediegen
sovereignty	Souveränität
split apart	auseinandergehen
standard	Maaß
starting point	Beginn
state	Staat
state of necessity	Notstaat
state of understanding	Verstandesstaat
stately	staathaft
stately	staatlich
steadfastness	Inständigkeit
stopgap	Notbehelf
struggle	Kampf
sublate	aufheben
sublatedness	Augenhobenheit

subsume	subsumieren
technical knowledge	handwerklichen Kenntnis
trade	Gewerbe
turn back	zurückkehren
uncoiling	Auswicklung
unfurling	Entwicklung
unification	Einigung
unity	Einheit
universal being	Allgemeinsein
universal; general	allgemein
universality	Allgemeinheit
upbringing	Erziehung
urge	Drang
urge	treiben
violence	Gewalttätigkeit

# Index

Page numbers in *italics* refer to the lecture notes which begin on page 101.

2011 publication of lecture course *Hegel's Philosophy of Right* 19

πόλις 13

πόλεμος 15, 16, 17, 74, 142, 155, 184–5

abolition, definition of 11

absolute actuality 39–40

absolute being 39–40, 42, 59–60, 61, 62, 63, 134, 144, 160, 170

absolute idealism 25, 105, 117, 137

absolute knowing 39, 70, 76, 78

absolute power 55–6, 90, 179, 192

absolute thinking 127, 172

abstract right 10, 24, 121–4

academic, and the political 9

active reading 85

actuality 38–40, 53, 77, 101, 114, 135, 145, 149, 169

affirmation 23, 73, 88, 105

alienation 10, 77

allocating, an 181

Altenstein, Freiherr vom Stein zum 6

Americans 67, 140, 171

Anaximander 68

*Andenken* vs *Erinnerung* 31

anthropomorphy 91

*Antigone* (Sophocles) 17

anti-Semitism, and Heidegger 22–3

aporia 84

appearance 103, 116

apprentice in the paper shop 141

arbitrariness 163

Arendt, Hannah 81n. 23, 83

Aristotle 43, 100, 126, 136, 138

art 27, 161, 173, 179, 193, 195

artwork, state as 193

authentic existence 50–2, 53, 137, 149, 180, 186

authentically actual, the 135

authority structures 22, 26, 111, 142, 181–3

*see also* monarchies; power; state  
awakening, political 106

Baracchi, C. 92n. 3

Barash, Jeffrey 17n. 1

baselines (*Grundlinien*) 83

“Basic Ideas of the Doctrine of the State”  
(Heidegger) 14

“basic question of philosophy” 5–6

becoming 76, 108, 114, 179–80, 187–8, 191

“beginners,” Heidegger’s seminar for 9–10

Being

and absolute actuality 40

absolute being 39–40, 42, 59–60, 61, 62, 63, 134, 144, 160, 170

and appearance 116

authentic existence 137

being and beings fissure 44, 159

being as power 88–9

being of the people 189

being-with-one-another 50–1

being-by-itself 148

being-historical 4, 86

being-in-the-world 44, 45, 47

being-other 186, 187

being-other distinction 41, 50–1

being-there. *see* Dasein

being-with 51–2, 62, 73–4, 86, 187

the being of beings 159

and care 16–17, 40, 41, 51–2, 117, 155, 174–81

citizens as subjects vs beings 26

collective existence 38, 39, 43, 47, 55, 57–8, 72

and “completion” 134

definitions of 46

essence of being 106, 145

and finitude 70

- fissure of Being 17, 46, 47, 68, 77, 142, 159, 163, 175
- forgotten Being 54–5
- historical being-in-the-world 4, 15, 86, 187
- and history 29–30
- humans as a relationship 57
- Husserl's phenomenology of beings 38
- and the ideality of the state 180
- and inception 78
- and leadership 75
- neither people nor state 60
- non-being 89–90, 166
- and nothing 145, 169
- ontological difference between Being and beings 54, 56, 62
- and ontological reduction 41
- and philosophy 76
- and *polemos* 71
- and the political 9, 186
- and power 112, 175
- and power and spirit 13–14, 16
- preparatory analysis 50
- present-at-hand 38–9, 105, 108, 114, 116–18, 137, 151, 169, 174, 181
- questioning of 30, 31
- questioning of being 30–1, 117, 148, 171, 175
- stability-of-being 155
- and the state 23, 26, 30, 31, 38–9, 40, 46, 62, 107, 118, 133, 159, 180
- state as the being of the people 117, 142, 159, 186
- “superpower of Being” 53, 58
- and supreme values 54
- and technology 17
- truth of 111
- and “will to power” 59
- and work 58
- see also *Being and Time* (Heidegger)
- Being and Time* (Heidegger) 13, 38, 40, 44, 45, 46, 50–2, 63, 68, 70, 86
- Berlin 6–7
- Bildung* 26
- biologistic concepts 16, 22, 23, 25, 54, 57–8, 112, 117, 174
- Black Notebooks* (Trawny, 2014) 84
- Blanchot, M. 89
- Blochmann, Elisabeth 7
- Blut und Boden* 34n. 13
- bracket usage (in seminar notes) 98
- Bröse, Siegfried 20, 37
- bureaucratic state 21, 39, 120, 183
- caprice 153
- care
- the being of care 40, 117, 155
- and being-other 41
- care of the people 187
- care-state-Beyng 174–81
- definitions of 45
- as fundamental structure of Dasein 51–2
- inauthentic care of the other 63
- and leadership 175
- the political as care 16–17, 38
- in political context 13
- and recognition 73, 155
- and the state 174–81, 184
- and work 175
- cars (automobiles) 138–9
- charismatic leadership 29–30
- Christianity 6, 15, 117, 125, 132, 135, 141, 172
- Church 177
- see also gods/ God; religion
- Cicero 118
- city see *polis*
- civil community, role of 28–9
- civil law 124, 154, 159
- civil servants 21, 24, 25–6, 29
- civil society 10, 24, 28–9, 101, 114–20, 194
- Cold War 91
- collective existence 38, 39, 43, 47, 55, 57–8, 72
- collectivism 53–4, 56, 59
- common destiny (*Geschick*) 51
- commonality of kind (*Artgleichheit*) 21, 22
- community
- community of interests 101
- community of kind (*Volk*) 21, 23, 26, 41
- definitions of 51
- ideas of 71
- situated political communities 23

- competence, question of 44  
 completion 85, 89, 90, 91, 104, 131, 134, 170  
*Concept of the Political, The* (Schmitt, 1932) 14–15  
 conditioning 115  
 conflict 46, 60–1, 73, 142, 186  
 confrontation 106  
 conscience 121  
 consciousness 14, 135, 150, 151, 162, 168  
   *see also* self-consciousness  
 constitution 43–5, 47, 109–13, 180–1, 184, 187–8, 190–1, 193–4  
 constitutional monarchies 29–30  
*Contributions to Philosophy* (Heidegger) 14, 69, 77, 78  
 creativity 75  
*Critique of Hegel's "Philosophy of Right"* (Marx) 24  
 cult of personality 29, 182  
 customs 190
- Dasein  
   and the actuality of the ethical idea 38  
   autarchy of Dasein 131  
   and authenticity 51–2, 63  
   and Being/ beings 25, 54, 62, 174  
   being-with-one-another 50–1  
   as being-with 86  
   and care 16, 51, 174  
   and the concept of relationship 62  
   definitions of 23, 50  
   and disposition 147  
   and domestic law 180  
   and finitude 58  
   and fissure of being 46, 77  
   and free will 154  
   historical Dasein 41–2, 47, 88, 108, 111, 155, 185, 186, 189, 195  
   and the "I" 153  
   and ideas 40  
   and leadership 45, 74, 111  
   people's Dasein 184  
   and the political 8, 189  
   in political context 13  
   and the state 9–10, 43–4, 142, 159, 174, 189  
   as thrown projection 44–5  
   and tradition 53  
   and will 104, 182
- death 159, 167, 175  
 "death" of Hegel 8, 20–1, 63, 69, 90, 119  
 decision 76, 78  
 democracy 29, 55–6, 86, 115  
 Derrida, Jacques 84, 89  
 Descartes, Rene 129  
 dialectics  
   dialectical materialism 90  
   dialectical method 140, 144–5, 166–7  
   Heidegger on Hegelian dialectics 11, 38, 39–40, 83, 85–91, 126, 133–4  
   and negativity 11, 55  
   as "principle" 172  
   and spirit 42  
   and the state 45, 55, 133–4  
   and truth 136
- Dietrich, Otto 54  
 difference "is" sameness 145, 169  
 differentiatedness 167, 179  
 "dikes" 102, 110  
 dispersion 51  
 disposition 45, 47, 121, 147, 163, 166, 175–6, 181, 184, 187–8, 190  
 distraction 51  
 domination 52  
 drive 151  
 dualist structures 55–6, 59  
 duty 72, 122–3, 155, 183, 187, 190
- education 9, 26, 106, 108, 190  
 ellipses (in seminar notes) 83  
 encyclopedia 135  
*Encyclopedia Logic* (Hegel) 98, 135, 140, 143, 170  
 endings  
   "death" of Hegel 8, 20–1, 63, 69, 90, 119  
   end of Western metaphysics 5–6, 7, 12, 37–8, 68, 86–8, 89, 125  
   of philosophy and politics 85–7  
   *see also* completion; finitude
- energy 43  
 Enlightenment 27, 81n. 14  
 equality 15  
*Ereignis* 78  
 essence of being 106, 145  
 estates 24, 29, 116



- eternity 143
- ethical idea, actuality of 24, 38
- ethical life 10, 13, 101, 119, 123, 127, 148, 159, 160, 163, 164, 165
- ethical spirit 149
- Ethical System 24
- ethics 50, 104, 181, 187, 189
- ethno-centred thinking 54, 57–8, 62–3
- “everydayness” 50–1, 52–3
- existential political ontology 40–2, 43, 46, 47
- family 10, 24, 28–9, 103, 115, 116
- fatherland 5
- Faye, Emmanuel 3–4, 7, 17n. 2, 32n. 3, 48n. 14, 49, 73, 86
- feeling 144, 162
- Fichte, Johann 72, 102, 153
- finitude
  - and being/ Dasein 46, 51, 53, 58, 89
  - and care 17, 175
  - and the Hegel-Heidegger confrontation 70–1, 75–6, 77, 144, 163
  - and ideality 104, 105
  - vs infinitude 136
  - infinitude 13, 90, 136, 161, 163, 185
  - and power 91
  - and the state 44
  - and unification 45
- fissure of Being 17, 46, 47, 68, 77, 142, 159, 163, 175
- force (*Gewalt*)
  - and freedom 150
  - and leadership 183
  - and right 156, 192
  - and the separation of powers 108, 109–13, 178
  - and spirit 166, 181–3, 192
  - and the state 131, 149, 192
  - translator’s notes on 100
  - and “violence” 110
- founding 67, 74–9
- free spirit 161
- free will 72, 103, 127, 150, 154
- freedom
  - and absolute thinking 172
  - and actuality 101, 114
  - as being-with-oneseelf 172
  - and constitution 191
  - definitions of 11, 24, 27, 148–9
  - and force 110
  - individual freedom 28–9, 53–4
  - and individual will 53
  - and liberalism 166
  - and the need for a political community 30
  - and power 155
  - and recognition 149
  - and “right” 156, 159
  - and self-assertion 71–4
  - and spirit 148, 165, 188
  - and the state 24, 25, 28, 53–4, 63, 102, 131, 143, 156, 180
  - and will 104, 127, 150–4, 164
  - and work 57
- Freiburg, University of 3, 7, 49
- friend-enemy distinction 11, 15, 20–1, 25, 41–2, 44, 46, 60, 73, 181, 185–6, 189
- Fries, Jakob Friedrich 6
- Führerprinzip* 8, 19, 22, 28–9, 30, 37, 47, 111, 176
- Führerstaat* 44, 47, 74–9, 132
- Führungsverhältnis* 22
- Fukuyama, Francis 91
- fundamental ontology 50, 62, 88
- Fundamental Principles of Thinking* (Heidegger, 1957) 90
- Fundamentals for a Doctrine of the State* (Heidegger 1934/5) 12–13
- “German Student as Worker” (Heidegger lecture 1933) 58
- “Germanien” (Hölderlin) 4–5
- Glockner, H. 98
- gods/ God 14, 78, 127, 135, 143, 159, 162, 194
  - see also religion
- government 55, 192
- Granel, G. 87
- groundings
  - of freedom 159, 174
  - of law 155–6
  - of leadership 75, 182, 183
  - of the people 111
  - of the political 185

- of the state 74, 86, 87, 114, 116, 128, 156, 164, 175, 179, 188, 195
  - of the "there" 78
- habit 190
- Hallwachs, Wilhelm 20, 37, 89
- happiness 30
- heads of state 29–30
  - see also* leadership; monarchies
- "Hegel died" 8, 20–1, 63, 69, 90, 119
- Heidelberg, University of 6
- Heinz, Marion 23
- Heraclitus 4, 15, 46, 68, 186
- "heroes" 29, 31
- Herrschaft* (domination/mastery) 91, 101, 152
- historicity 23, 26, 31, 78, 86, 189
- history
  - and the basic question of philosophy 5–6
  - coming alive 8
  - and community 51
  - end of history 91
  - and finitude 70
  - and grounding 76, 78
  - Hegel's philosophy of 29
  - Herrschaft* (domination/mastery) 91
  - historical being-in-the-world 15, 23, 186
  - historical Dasein 26, 41–2, 47, 88–9, 108, 111, 131, 155, 185, 186, 189, 195
  - the historical world 120
  - initiating a new 7
  - and leadership 182, 183
  - people's history 146
  - and the political 186
  - and the relationship between politics and philosophy 84–5
  - and selfhood 69
  - and the state 39, 117, 128, 142, 185
  - and truth 31
  - and will and spirit 181
  - world history 104
- Hitler, Adolf 7, 29
- Hobbes, Thomas 38, 47
- Hölderlin poetry lectures 4–5, 7, 14, 31, 53, 69, 75
- Homer 13, 26, 100
- humanism 55
- humanity 27–8, 57–8, 74, 156, 165
- Husserl, Edmund 38, 40
- hyphens (in seminar notes) 83, 97
- "I" (person) 123–4, 133, 148, 151, 152–3, 168
- idealism, absolute 25, 105, 117, 137
- idealist, Heidegger charged as 42–3
- ideality 104, 179, 181, 192
- ideas 103–4, 188
- illusions 119, 127, 139, 167, 182
- inauthenticity 51–2, 63
- inception 74–5, 78
- individual conscience 121
- individual freedom 72–4, 102, 150
- individual will 53, 108
- individualistic society 52, 53–4
- individuals and spirit 148
- infinitude 13, 90, 136, 161, 163, 185
- institutions 26, 39, 178
- international law 24
- international state 118, 119
- "is" 145–6, 167, 168, 179, 180, 192
- jack-ass 168
- Jena system 134, 144
- Jewish people 22–3, 27
- Jünger, Ernst 4, 7–8, 16, 50, 57, 58–60, 61, 68
- jurisprudence 127–8, 131, 156
- Kant, Immanuel 71, 72, 102, 122, 130, 134, 144
- Karlsbad 6
- Kierkegaard, Søren 6, 68
- Kiesel, Theodor 32n. 4, 33n.10
- knowing 135–6, 175, 182, 192
  - absolute knowing 39, 70, 76, 78
- knowledge 131, 141, 170, 180
- knowledge service 58, 71, 106
- Koellreutter, Otto 60
- labor
  - Hegel's definition of 11
  - work as care 16
- Lacoue-Labarthe, Philippe 85
- l'affaire Heidegger* 84

Lasson, G. 98

law

civil law 124, 154, 159  
and the constitution of Nationalist-Socialist state 112–13

and duty 122

and the ethical life 148

groundings of 155–6

Hegel on 27

international law 24

jurisprudence 131, 137–8, 156

law of empowering

(*Ermächtigungsgesetz*) 12

lawyers 157

legislative power 110

natural law 128, 146, 157

and the New State 12

people's law 156

resistance to law 157

and "right" 11, 155–8

and self-assertion 71–2

and the state 12, 39, 112–13, 180, 183

leadership

as basic trait of political being 175

charismatic leadership 29–30

cult of personality 29, 182

Dasein of the leader 45, 46–7

founding 74–9

*Führerprinzip* 8, 19, 22, 28–9, 30, 37, 47, 111, 176

*Führerstaat* 44, 47, 74–9, 132

and mastery 183

personification of power 47, 55–6, 182

and power 182

role of heads of state in Hegel vs

Heidegger 29–30

Schmitt on 15–16, 21

and state as being 25, 30, 44

legislative power 110

"Letter on Humanism" (Heidegger) 31

liberalism

and Heidegger 22, 52–5, 58, 62–3, 86, 110, 115, 159, 166, 170, 180

and Jünger 57

liberal-democratic regimes 21, 22

neoliberalism 91

and rationality 81n. 14

and Schmitt 15, 22, 61, 186

logic 128, 134–5

logical spirit 147

*logos* 26, 29–30, 91, 129, 134

love 63

Marburg lectures (Heidegger) 50

Marx, Karl 11, 21, 25, 31

Marxism 22, 57

referred to in lecture notes 115, 125

masses, the 22, 26, 106, 182

mastery 16, 91, 101, 111, 152, 175, 181–3

mathematical worldview 6, 15, 138

meaningful existence 85

meta-ontological research 50

"Metaphysical Basic Power of the Future State, The" (Heidegger) 16

metaphysics

"death" of Hegel 8, 20–1, 63, 69, 90, 119

de-historicizing metaphysics 40

end of Western metaphysics 8, 37–8, 55, 85–6, 108

Hegel's 130

Heidegger vs Hegel 21, 27

Heidegger's 13, 15, 20

of power, authority and mastery 181–3  
and the state 21–2, 23, 24, 175

metapolitical, the 12, 16, 110

middle ground, truth as 42–3, 105, 167

military service 58, 71

Mitchell, A. 91n. 1, 97–100

*modi* 51

monarchies 24, 29–30, 55–6, 161, 183

Montesquieu 108

morality 10, 24, 121–4, 127, 154, 159, 163

Munich 7

"mush of the heart" 131, 162

mutual recognition 73

Nancy, Jean-Luc 35n. 36

National Socialism

and being as power 89

constitution of Nationalist-Socialist state 11–12, 15, 109–13

emergent power of 86–8

and grounding 86

vs Hegelian concept of state 63

Heidegger, Schmitt and National Socialism 19–23

- Heidegger as Nazi 3, 19–20, 31, 49, 54, 67, 84  
 Heidegger on 37, 45, 55–8, 67, 86  
 Nazi ideology and absolute being 60  
 Nazi ideology re substitution of individual by the people 54–5  
 vs patriotism 26  
 and power 183  
 theoretical foundations of 21  
 and totalitarianism 25, 79  
 natural law 128, 146, 157  
 natural spirit 161  
 “Nature, History and State” seminar (Heidegger) 67, 75  
 necessity 77, 79, 119, 187, 194  
 negation  
   and freedom 53  
   and ideality 179  
   and logical truth 145  
   negation of negation 88, 105, 144, 162, 167  
   of otherness 88  
   and power 90  
   and spirit 44, 167  
   and sublation 137, 144  
 negativity, definition of 11  
 neoliberalism 91  
*Neue Zürcher Zeitung* (Heidegger, 1969) 89  
 New State 12  
 Nietzsche, Friedrich 6, 55, 57, 59, 61, 68, 88, 126  
 nihilism 85, 140  
 non-metaphysical thinking 68–9  
 “not” the 137  
 null 138  
  
 objectivity 107, 154, 155  
*Odyssey* (Homer) 13, 184  
 “On the Question of Being” (Heidegger) 31  
 one-party states 21  
 ontico-ontological differences 44, 46, 47, 50, 62  
 ontological hierarchies 54–5  
 ontological reduction 41  
 ontology, Heidegger’s focus on 50  
*Ontology: The Hermeneutics of Facticity* (Heidegger 1923) 88  
  
 onto-politology 22  
 opposition 77  
 organism, state as 11, 13, 24–5, 43, 103, 105, 117, 178, 188, 191  
 original unification 13  
 originality 86  
 originary essence 38  
 other 41, 50–1, 88, 104, 186  
 Ott, H. 49  
 Owl of Minerva 86  
 ownness 78  
  
 Parmenides 68, 89, 166, 167  
 particularity 101, 146  
 passions, the 177  
 patriotism 25–6  
 people  
   and Being 56  
   destiny of the people 86  
   existential foundation for 87  
   Hegel on 194  
   and Hegel’s vs Heidegger’s models of the state 25  
   Heidegger and Jünger’s worker 60  
   Heidegger on 25, 43, 54–5, 60  
   and leadership 16, 182  
   and mastery 111  
   Nazi ideology re substitution of individual by the people 54  
   people-state relationship 62  
   and the political 185  
   and spirit 13–14, 148  
   spirit of a people 125–41  
   and state 13–14, 125–41, 142  
   state-spirit-people systematization 125–41  
 people’s law 156  
 Peperstraten, Frans van 22, 23, 30  
*peras* 86  
 person 123–4  
 personification of power 47, 55–6, 182  
 Pfänder, Alexander 190  
*Phenomenology of Spirit* (Hegel) 28, 37–8, 39–40, 69, 134, 144, 161, 186  
 philosophy in the “system” 129, 141  
*Philosophy of History* (Hegel) 26  
*Philosophy of Right* (Hegel) – edition used 98

"philosophy of the political" 8–9

*Philosophy of World History* (Hegel) 98,  
143, 178, 194

Plato 26, 38, 55, 58, 68, 71, 87, 89–90, 140,  
167

poetization 147

poetry 4, 69

see also Hölderlin poetry lectures

π ὀλεμος 15, 16, 17, 74, 142, 155, 184–5

*polemos* 46, 71, 76, 77

*polis* (π ὀλις) 13, 23, 26, 72, 184, 185

political (the)

the academic and the political 9

beginning as politicized 5

and Being 17

and being-with 52

as care 16–17, 38, 175–6

definition of 9

emergence of 114–15

and the friend-enemy distinction 20

Hegel on 37–8, 185, 187–8

Heidegger not a "political thinker"

50

Heidegger on 11, 12, 20, 23–8, 40–2, 52,  
60, 63, 184–9

Heidegger's seminar as political 67

and history 71

the ideality as the political 181

lies in the relationship between state

and people 62

vs the metapolitical 12

metapolitical, the 12, 16, 110

and the people 62, 187

and the philosophical 67, 76

"philosophy of the political" 8–9

political awakening 106

the political person 189

political-dynamic movement 21

Schmitt on 40–2

and self-assertion 72–3

and the state 60, 62, 117, 184, 185,  
188

political creativity 75

political disposition 25, 26, 103

politics

knowledge of the political 189

vs the metapolitical 12

the "other beginning" of 56

and philosophy 84, 89, 90

political engagement and the right to  
philosophy 84

Polt, Richard 87

poor people, Hegel's compassion for  
28

post-humanism 57

post-modernism 68, 77–9

power

absolute power 55–6, 90, 179, 192

and authority 111, 181–3

and Being 16, 46, 171, 175

and energy 43

and ethics 181

and freedom 155

and leadership 182, 183

legislative power 110

and mastery 91, 181–1

and National Socialism 86–8

personification of power 47, 55–6,  
182

powerlessness 89–90

separation of powers 108, 109–13,  
178

sovereign power 55–6, 59, 60–2, 72,  
147, 180, 192

and spirit 13, 192

and the state 159, 180, 182, 192–3

state-supporting power 183

three powers 108

translator's notes on 100

and will 191

"will to power" 57, 59

and work 88–9

see also force (*Gewalt*)

pragmatism 67, 140

Preface (of the *Philosophy of Right*) 10

preparation 87

presuppositions 41, 42, 70, 71, 125, 179,  
186, 191

princes see monarchies

projection 44–5

proletariat 21, 22, 28, 182

property, Hegel's definition of 10

punishment 27

questioning of being 30–1, 117, 148, 171,  
175

- race 15, 21–2, 27, 54, 57–9, 62–3, 117, 145, 184  
 racism 22–3, 54, 57–9, 58–9  
 Radloff, Bernhard 33n.9  
 rank 22, 26, 54, 111, 175, 176, 195  
 rationalism 71, 72–3, 78, 91  
 rationality 91, 102, 134, 145, 149, 167, 169, 170, 180, 191, 192  
 reality, *Wirklichkeit* vs *Realität* 52  
 reason 23, 24, 25, 149, 161  
 recognition 10, 11, 14, 15, 73, 149, 155, 159, 165, 185–6  
*Rectorship Address* (Heidegger) 58, 86, 87  
 relationship, humans as 57, 62, 186  
 relativism 44  
 religion 11, 39–40, 42, 117, 132, 135, 137, 141, 143, 161, 177, 193–4  
*Republic* (Plato) 26, 58  
 resolution 51  
 responsibility/duty 72, 122–3, 155, 183, 187, 190  
*Restauration der Staatswissenschaft* (von Haller) 27  
 revolution 7, 67, 74, 87  
 right  
   abstract right 10, 24, 121–4  
   and duty 72, 122–3, 155, 183, 187, 190  
   and feeling 162  
   and force 192  
   and freedom 25, 154  
   Hegel's metaphysical sense of Right 24, 127, 130  
   and *l'affaire Heidegger* 84–5  
   loss of right 85–6, 89  
   “right in the sense of jurists” 11  
   and state 155–9  
   translator's notes on 100  
   and un-right 90  
   Wolf on 11  
 Rosenberg, Alfred 60, 63  
 Rosenkrantz, Karl 161  
 Rousseau, Jean-Jacques 52, 53, 72, 102, 179, 180  
 sacrifice 175  
*Sämtliche Werke* (Hegel) – editions 98  
 Schelling, Friedrich W. J. 161  
 Schmitt, Carl  
   absolute meaning and truth 43  
   compared to Jünger 61  
   Heidegger, Schmitt and National Socialism 19–23, 25  
   Heidegger on 13, 14–16, 40–2, 63, 69, 76, 90  
   and the political 4, 9, 11  
   referred to in lecture notes 110, 111, 183, 186  
   on spirit 38  
   on the state 8, 12, 60–1  
   translator's notes on 100  
   see also friend-enemy distinction  
*Schwarze Hefte* (Heidegger) 23  
 science  
   existential foundation for 87  
   mathematical philosophy 138  
   and religion 177  
   and the state 105  
   as system 129  
 self, concepts of 123–4, 151  
 self-assertion 14, 42, 43, 58, 67, 71–4, 87–8, 89, 152, 158, 178, 185  
 self-becoming 114  
 self-consciousness 68, 101, 104, 121, 123, 130, 135, 145, 150, 159, 168, 194  
 selfhood 68, 77, 130, 162  
 selfishness 152  
 self-separations 112  
 separation of powers 108, 109–13, 178  
 sexual relations 105  
 shared life 52  
 shoemakers 138, 139  
 silence 83–4  
 situated political communities 23  
 social contract 52–3, 71, 160–1  
 socialism 86, 184  
 “society” 41, 52, 164  
 sociological approaches to state 22, 25  
 Socrates 68, 90, 167  
 sophistry 17, 167  
 Sophocles 140  
 sources (in seminar notes) 98  
 sovereignty 55–6, 59, 60–2, 72, 147, 180, 192  
 speculative knowledge 147

## spirit

- absolute spirit 44, 143
- and actuality 103–4, 114
- and being 40
- common destiny (*Geschick*) 21
- and community of kind (*Volk*) 23
- and force and sovereignty 192
- free spirit 161
- and freedom 24, 71–2, 154, 165
- Hegel on 38, 143, 161
- Heidegger on 4, 13, 21–2, 42
- and history 29
- and idea 103, 104, 188
- and individuals 148
- infinite spirit 185
- logical spirit 147
- and the people 26, 125–41, 176, 191, 194
- and power 43, 181
- Schmitt on 38
- self-assertion 14, 42, 43, 58, 67, 71–4, 87–8, 89, 152, 158, 178, 185
- spiritlessness 86, 106
- spiritual actuality and authenticity 149
- and the state 12–14, 118, 120, 125–41, 143, 160, 164, 182, 188
- and thinking 143–4, 161, 162, 164
- and will and freedom 24

## stance 118

## standing-in-ness 45–6

## state

- as artwork 179, 193
- and Being 23, 26, 30, 31, 38–9, 40, 46, 62, 107, 118, 133, 159, 180
- and the being of the people 25, 117, 142, 159, 186
- and being-in-the-world 44, 45
- bureaucratic state 21, 39, 120, 183
- and care 45
- citizens as subjects vs beings 26
- and civil society 114–20
- and conscience 121
- constitution 43–5, 47, 109–13, 180–1, 184, 187–8, 190–1, 193–4
- and Dasein 9–10, 43–4, 142, 159, 174, 189
- defection from the national essence 27
- definitions of 24, 25–6, 38–9
- ethos of 6

exercises on Hegel (in lecture notes)  
142–9

## and free will 72

and freedom 24, 25, 28, 53–4, 63, 102,  
104, 131, 143, 156, 180friend-enemy distinction 11, 15, 20–1,  
25, 41–2, 44, 46, 60, 73, 181, 185–6,  
189*Führerstaat* 44, 47, 74–9, 132

## fundamental principle of the state 24

fundamentals for a doctrine of the  
state 174–95as ground of family and civil society  
24, 28–9groundings of 74, 86, 87, 114, 116, 128,  
156, 164, 175, 179, 188, 195Hegel on 6, 10, 11, 13, 20, 23–4, 27–8,  
171, 194Hegel vs Heidegger's philosophies of  
28–30

## Heidegger on 4–5, 9–10, 15, 17, 23–4

## as historical being-in-the-world 44, 119

## as incarnation of truth 30

## international state 118, 119

## and leadership 16, 21, 22, 25, 30, 44

## lecture notes on “state” 97–108

## and movement 147

as organism 11, 13, 24–5, 43, 103, 105,  
117, 178, 188, 191and the people 13–14, 60, 62, 125–41,  
189, 190

## personification of 38

and the political 60, 62, 117, 184, 185,  
188

## and power 192–3

## questioning of 106

## racial grounds of 23

## and “right” 156

## Schmitt on 8

## and science 105

## as social contract 52–3, 160–1

## sociological approaches to state 22, 25

and spirit 4, 12–14, 24–5, 41, 125–41,  
160, 164, 190total (*völkisch*) state 25, 27, 54, 112

## as unity 179

## and will 24, 102

## and work 58

“State, Movement, People” (Schmitt, 1933)  
8, 15, 20–1, 22

*status* 118

steadfastness, care as 176

Stintzing, R. 156

Strauss, Leo 15

subjectivity 58, 59, 75, 107, 122, 124, 130,  
154, 162, 170

sublation 104, 109, 131, 137, 144, 164,  
169

substantial, the 165

superiority 102, 111–12, 131

“superpower of Being” 53, 58

supreme values 54–5, 56, 60, 62–3

system, definition of 11

systematization of state-spirit-people  
125–41

technology

Hegel associated with “era of” 31

and Heidegger’s Nazism 31

and the history of being 17

textual records of lecture course *Hegel’s*  
*Philosophy of Right* 3, 5, 20

“Theo-Logical” metaphysics 6

theology 145

theophany 14, 78, 159

“there” 69, 78

“they” (*das Man*) 50–1, 52–3

thinking

absolute thinking 127, 172

concept of 102

and the political 9

and spirit 143–4, 161, 162, 164

thought outlines (*Gedankestriche*) 83

throwness 44–5, 174

time 40, 46, 70

*see also Being and Time* (Heidegger)

together, a 154

total (*völkisch*) state 25, 27, 54, 112

*Total Mobilization, The* (Jünger, 1930)  
57

totalitarianism 29–30, 47, 79

totality 112

tradition 53

tragedy 17

Trakl interpretations 13

Trawny, P. 23, 84, 100

truth

care as truth 16, 175

and the ethical life 101

and feeling 162

and finitude 76

and the friend-enemy distinction  
189

Hegel on 38, 75, 90, 161–2

and historical being 15, 42

in history 31

“inner truth and greatness” of National  
Socialism 69

and knowing 135–6

and leadership 176

as middle ground 42–3, 105, 167

and morality 121

and the political 52, 117

state as incarnation of 30, 63

true-false distinction 42

truthful will 153

and world history 104

*Über Wesen und Begriff von Natur,*  
*Geschichte und Staat* (Heidegger)  
22, 23, 26

unification 45, 110, 114, 193, 195

unity 13, 45, 60–1, 101, 102, 114–15, 116,  
119, 167, 179, 182, 188, 194

universal beings 27

universal class 21, 22, 25–6, 29

universal norms 71

universality 101, 102, 108, 119, 123, 146,  
148, 177, 179, 195

university reform 87

upbringing 108

urgency 77

*Verfassungslehre* (Schmitt, 1928) 43

violence (*Gewalttätigkeit*) 100, 110

*Volk* 26

von Haller, Karl 27

war 61

Weber, Max 62

*Werke* [*Theorie-Werkausgabe*] (Hegel) 98

“Western Dialogue” (Heidegger) 13

Western metaphysics, end of 5–6, 7, 12,  
37–8, 68, 86–8, 125



## will

- and ethics 182
- and force 110
- free will 72, 103, 127, 150, 154
- and freedom 44, 104, 127, 150–4, 164
- “general will” 53
- and government 192
- Hegel on 24
- and political disposition 103
- and power 191
- and rationality 91
- self-willing 186
- and spirit 149, 164
- and the state 42, 52–3, 102, 143, 156, 180
- universal will 102
- and work 88
- see also* disposition
- “will to power” 57, 59, 61
- Wolf, Erik 11, 131, 146

## work

- and care 175
- and civil society 116
- and education 108, 190
- and ethical life 160
- and government 192
- Jünger on 57–8
- mediator between power and being 88
- as part of care 16
- the spiritual state 118
- will as work 104, 152
- Worker, The* (Jünger, 1932) 7–8, 50, 57, 58
- workers 16, 57, 58–60, 108
- World History 24
- World War I 57
- “worlding” the world 47
- worldly wisdom 163
- Zeitgeist* 26